



BUSINESS PAPER

Ordinary Meeting of Council

Council Chambers
30 October 2024

6.30pm

BROKEN HILL
CITY COUNCIL

**AUSTRALIA'S FIRST
HERITAGE LISTED CITY**

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that an Ordinary Meeting of the Broken Hill City Council will be held in the Council Chambers on Wednesday 28 August 2024 commencing at 6:30pm to consider the following business:

AGENDA	
1	Opening the Meeting
2	Swearing in of the new Council
3	Apologies
4	Leave of Absence Applications
5	Prayer
6	Acknowledgement of Country
7	Acknowledgement of Broken Hill's Mining History
8	Public Forum Session
9	Minutes for Confirmation
10	Disclosure of Interest
11	Mayoral Minute(s)
12	Notice of Motion
13	Notices of Rescission
14	Reports from Delegates
15	Reports
16	Questions Taken on Notice from Previous Council Meeting
17	Questions for Next Meeting Arising from Items on this Agenda
18	Public Forum Session
19	Confidential Matters
20	Conclusion of the Meeting

STATEMENT OF ETHICAL OBLIGATIONS

All Councillors undertook an Oath or Affirmation at the beginning of their term of office and declared to undertake the duties of the office of Councillor in the best interests of the people of the Broken Hill Local Government Area and the City of Broken Hill; and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

LIVE STREAMING OF COUNCIL MEETINGS

This Council meeting is being streamed live on Youtube, recorded and published on Council's website. To those present in the gallery today, by attending or participating in this public meeting you are consenting to your image, voice and comments being recorded and published.

The Mayor and/or General Manager have the authority to pause or terminate the stream if comments or debate are considered defamatory or otherwise inappropriate for publishing.

Attendees are advised that they may be subject to legal action if they engage in unlawful behaviour or commentary.

JAY NANKIVELL
GENERAL MANAGER

MINUTES FOR CONFIRMATION

Minutes of the Ordinary Meeting of the Council meeting held Wednesday, August 28, 2024.

Minutes of the Extraordinary Meeting of the Council meeting held Wednesday, October 09, 2024.

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
AUGUST 28, 2024

Meeting commenced at 6:30pm

PRESENT:

Councillor T. Kennedy (Mayor) Councillors B. Algate, M. Browne,
A. Chandler, D. Gallagher, H. Jewitt and D. Turley.

General Manager, Director Corporate and Community, Director Finance and
Commercial, Director Infrastructure and Environment, Manager
Communications and Marketing, Executive Officer and Executive
Assistants.

Media (1), Members of the Public (10)

APOLOGIES:

Nil

LEAVE OF ABSENCE

APPLICATIONS:

1. Councillor Ronald Page submitted a Leave of Absence Application for this meeting and provided the reason "on holidays".
2. Deputy Mayor Jim Hickey submitted a Leave of Absence Request for this meeting and provided the reason "Recreational Leave".
3. Councillor Michael Boland submitted a Leave of Absence Request for this meeting and provided the reason "Away for Bush Summit".

RESOLUTION

Minute No. 47627 - Procedural Motion

Councillor D Gallagher moved)
Councillor R Algate seconded)

Resolved

That the applications received from Councillor
Page, Deputy Mayor Hickey and Councillor
Boland be received and a leave of absence
granted for this meeting.

CARRIED UNANIMOUSLY

PRAYER

Councillor Chandler delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

ACKNOWLEDGEMENT OF BROKEN HILL'S MINING HISTORY

Councillor Algate delivered the Acknowledgment of Broken Hill's Mining History.

PUBLIC FORUM

1. Patton Street Shopping Village

Mr Spressor (owner of four (4) shops in Patton Street) advised of issues regarding the Patton Street Shopping Village including:

- *Safety issues regarding the On the Run (OTR) on the Cnr of Bonanza and Patton Streets and that the unfinished kerb and gutter is a trip and mobility hazard, especially near the Patton Lane intersection which is causing people on mobility scooters to use the driveway of OTR to access the footpath.*
- *The condition of the footpaths outside shops in Patton Street requires levelling to reduce trip hazards. Mr Spressor advised that the raised footpaths adjacent to Bells Milk Bar were marked 12 months ago, but no work had been carried out to date to repair this section and advised that the entire footpath adjacent to the shops requires levelling.*
- *The streetlight adjacent to a shop at 182 Patton Street has been inoperable for at least 12 months and asked for this to be rectified.*
- *The street light on the Cnr of South and Patton Streets has also been inoperable for over 12 months and requires rectification.*
- *Mr Spressor referred to the state of the footpath and gutter in Patton Street and queried if Council had a maintenance program for street cleaning.*
- *The installations and cleanliness of Argent Street including the new flags recently installed on the poles in Argent Street were noted and Mr Spressor enquired whether the same preparation leading up to tourist events in Broken Hill, like the Mundi Mundi Bash could be undertaken in Patton Street.*
- *Mr Spressor thanked Council for replacing the rubbish bins in Patton Street with new larger bins.*
- *Mr Spressor also thanked Council for their redevelopment of Patton Park, advising that the Park is now well utilised by the community.*

Mayor Kennedy provided the following responses to Mr Spressor's questions:

- Council has a maintenance schedule for Broken Hill and the mini street sweeper currently operates in the Patton Street shopping village every Friday to clean the footpaths and every Tuesday the bigger street sweeper cleans the streets.
- The smart bins were deemed ineffective and have been replaced with new bins, which should improve cleanliness concerns.
- Essential Energy are responsible for street lighting in the city. Council will advise Essential Energy of the inoperable lights adjacent to 182 Patton Street and on the Cnr of South and Patton Streets.
- Council will follow up with the OTR and ensure that all aspects of their development on the Cnr of Bonanza and Patton Streets is completed in accordance with their Development Application.
- The undulated concrete footpaths are in Council's work schedule and Council will look at expediting the works to level the concrete footpaths in the Patton Street shopping village.
- The Patton Street light poles are owned by Essential Energy and therefore Council is unable to add flags to their infrastructure. Council will investigate options for the beautification of Patton Street Shopping Village.

Mr Spressor provided further information following the Mayor's responses:

- *Queried the schedule and efficiency of the street sweeper as Mr Spressor explained that shop owners clean the footpaths and streets outside their businesses on a daily basis and he couldn't recall the last time he saw the street sweepers in Patton Street.*

The General Manager took a question on notice to investigate the frequency of the Street Sweeper in Patton Street to ensure the weekly cleaning of footpaths and streets .

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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The General Manager advised that Council was in discussions with the former Patton Village Committee before they folded, regarding new designs for the entry banners to Patton Village and that Council will consult business owners regarding new designs for the banners. A masterplan can be developed for improvements to the Patton Village shopping precinct to seek feedback from shop owners as to what they would like to see as part of the improvements to Patton Street.

The Mayor suggested that Mr Spessor collates ideas with other shop owners in Patton Street in readiness for public consultation on a future masterplan for Patton Village shopping precinct.

2. Activity in the Central Business District

Mr Bob Coulls referred to the amount of activity which is happening in Argent Street, namely:

- *The refurbishment of Argent Street footpaths.*
- *That work has commenced on the redevelopment of the Town Square.*
- *The commencement of works at the new Library jobsite.*
- *The installation of new flags on lightpoles in Argent Street which feature the city's crest (and commented that it was unfortunate that these flags were not installed prior to the Mundi Mundi Bash).*

The Mayor acknowledged the various projects being undertaken in Argent Street and agreed that the improvements will enhance the Central Business District Area.

3. Local Government Elections

Mr Coulls referred to the upcoming elections and asked how the public will receive information on all candidates now that Broken Hill no longer has a local newspaper or local television news. Mr Coulls suggested the following options for candidates to consider:

- *That Mayoral candidates hold a mini seminar for the public to attend to hear the candidates manifestos.*
- *That Mayoral candidates hold a Question and Answer session on the ABC radio.*
- *That a candidate publication (similar format to Council's newsletter) be sent to all residents in Broken Hill.*

The Mayor advised:

- That Council's Newsletter has just been sent to residents in Broken Hill so this is not an option due to the proximity to the elections and the timeframe required to produce a publication.
- That he can't speak for the ABC, but a commercial radio station is planning to host a Question and Answer session with candidates.
- All Mayoral candidates indicated that they would be happy to attend any community forums.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 47628

Councillor R Algate moved)
Councillor A Chandler seconded)

Resolved

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held July 31, 2024 be confirmed.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Nil

MAYORAL MINUTES

ITEM 1 - MAYORAL MINUTE NO. 15/24 - DATED AUGUST 19, 2024 - COUNCILLOR MARION BROWNE'S SERVICE TO LOCAL GOVERNMENT D24/40296

RESOLUTION

Minute No. 47629

Mayor T Kennedy moved)
Councillor R Algate seconded)

Resolved

1. That Mayoral Minute No. 15/24 dated August 19, 2024, be received.
2. That Council congratulates Councillor Marion Browne for her 36 years of service to Local Government and acknowledges her unwavering dedication and commitment as a strong advocate for the community of Broken Hill; and wishes her well in her retirement from Local Government.

CARRIED UNANIMOUSLY

The Mayor presented Councillor Browne with a Local Government NSW certificate and award for 35 years of service to Local Government (Councillor Browne was eligible for this award in 2023); and a certificate and gift acknowledging 36 years of service as an elected member of Broken Hill City Council.

ITEM 2 - MAYORAL MINUTE NO. 16/24 - DATED AUGUST 19, 2024 - DAYDREAM MINE ROAD D24/40252

RESOLUTION

Minute No. 47630

Mayor T Kennedy moved)
Councillor M Browne seconded)

Resolved

1. That Mayoral Minute No. 16/24 dated August 19, 2024, be received.
2. That Council writes to the Minister for Jobs and Tourism and Minister for Roads The Hon John Graham MLC, the Minister for Regional Transport and Roads The Hon Jenny Aitchison MP, the Minister for Western NSW The Hon Tara Moriarty MLC, and the Member for Barwon Mr Roy Butler MP, advocating for the sealing of the Daydream Mine Road, Local Road UR19 which is an unsealed road to one of the major tourist attractions in the Far West NSW region.
3. That Council approaches the Broken Hill Roads and Maritime Service to discuss the possibility of Council undertaking maintenance/repair work on the Daydream Mine Local Road UR19 after rain events (with the costs of which to be recovered from the Roads and Maritime Service) in order that the road can be re-opened in a more timely manner following rain events, for the benefit of tourists visiting the Daydream Mine tourist attraction.
4. That the Roads and Maritime Service be requested to carry out more regular proactive maintenance on the Daydream Local Road

UR19 to ensure the condition and safety of the unsealed road and in readiness for its possible future sealing.

CARRIED UNANIMOUSLY

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

Nil.

REPORTS FROM DELEGATES

ITEM 3 - REPORTS FROM DELEGATES NO. 5/24 - DATED AUGUST 07, 2024 - COUNCILLOR BROWNE'S ATTENDANCE AT THE 2024 MURRAY DARLING ASSOCIATION CONFERENCE HELD IN TAMWORTH D24/38556

RESOLUTION

Minute No. 47631

Councillor M Browne moved
Councillor D Turley seconded

Resolved

-) 1. That Reports from Delegates No. 5/24 dated
) August 7, 2024, be received.

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

POLICY AND GENERAL COMMITTEE

ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 123/24 - DATED JULY 03, 2024 - ADOPTION OF THE DRAFT CUSTOMER EXPERIENCE FRAMEWORK D24/32815

RESOLUTION

Minute No. 47632

Councillor D Gallagher moved
Councillor M Browne seconded

Resolved

-) 1. That Broken Hill City Council Report No.
) 123/24 dated July 3, 2024, be received.
2. That Council notes that the draft Customer Experience Charter and the draft Complaints Management Policy were placed on public exhibition closing 2 August 2024 during which time Council received nil submissions from the public.
3. That Council adopts the draft Customer Experience Charter and the draft Complaints Management Policy to be implemented under policy governance and as per the Customer Experience Framework.

CARRIED UNANIMOUSLY

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**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 124/24 - DATED JUNE 28, 2024 -
BROKEN HILL POPULATION FORECAST AS PER MINUTE NUMBER FROM ORDINARY
COUNCIL MEETING HELD 29/5/2024**

D24/31584

RESOLUTION

Minute No. 47633

Councillor R Algate moved)
Councillor H Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No. 124/24 dated June 28, 2024, be received and noted.
2. That a report be provided to Council regarding occupancy rates at the Broken Hill Base Hospital over the past five (5) years and that these figures include influenza seasons; periods where the beds were unavailable in various wards; and the number of beds occupied by patients waiting for aged care facility placement.

CARRIED UNANIMOUSLY

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 125/24 - DATED AUGUST 09, 2024 -
INVESTMENT REPORT FOR JULY 2024**

D24/39117

RESOLUTION

Minute No. 47634

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 125/24 dated August 9, 2024, be received.

CARRIED UNANIMOUSLY

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 126/24 - DATED AUGUST 05, 2024 -
MINUTES OF THE BROKEN HILL CITY ART GALLERY ADVISORY COMMITTEE MEETING
HELD 19 JUNE 2024**

D24/36168

RESOLUTION

Minute No. 47635

Councillor A Chandler moved)
Councillor D Turley seconded)

Resolved

1. That Broken Hill City Council Report No. 126/24 dated August 5, 2024, be received.
2. That the minutes of the Broken Hill City Art Gallery Advisory Committee Meetings held 19 June 2024 be received.
3. That Council sends a letter of appreciation to retiring volunteer Ms Phyllis Files for her many years of service on the committee.
4. That Council forwards condolences to the family of the late committee member, Mr Rod Horsburgh who passed away recently.

CARRIED UNANIMOUSLY

FURTHER REPORTS

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 128/24 - DATED JULY 01, 2024 -
CORRESPONDENCE REPORT - LINE OF LODE CAFE AND VISITORS CENTRE** D24/32142

RESOLUTION

Minute No. 47636

Councillor R Algate moved)

Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 128/24 dated July 1, 2024, be received.
2. That reply correspondence dated 27 June 2024, from the Hon Mark Coulton MP be received and noted.
3. That reply correspondence dated 17 July 2024 from the Minister for Jobs and Tourism be received and noted.
4. That reply correspondence from the Minister for Lands and Property dated 30 July 2024 (forwarded to Council by Mr Roy Butler MP) advising that the Crown Lands Department have entered into a Crown Lands Licence with Foundation Broken Hill to manage the Line of Lode Reserve, the Licence terms include nil rent for the next two years plus a two year extension option and also includes the ability for the Foundation to sub-licence any part of the Reserve, be received and noted.
5. That Council congratulates Foundation Broken Hill on acquiring a licence to operate the Line of Lode Café and Precinct.

CARRIED UNANIMOUSLY

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 129/24 - DATED AUGUST 14, 2024 -
CORRESPONDENCE REPORT - STATE GOVERNMENT AGENCY OUSTS RETAIL FRANCHISE
AT WESTSIDE PLAZA** D24/39888

RESOLUTION

Minute No. 47637

Councillor D Gallagher moved)

Councillor M Browne seconded)

Resolved

1. That Broken Hill City Council Report No. 129/24 dated August 14, 2024, be received.
2. That reply correspondence received from the Minister for Customer Service and Digital Government, The Hon Jihad Dib MP dated 12 August 2024 be received.

CARRIED UNANIMOUSLY

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 130/24 - DATED AUGUST 16, 2024 -
CORRESPONDENCE REPORT - ADVOCACY FOR THE FAR WEST COMMUNITY LEGAL CENTRE**
D24/40064

RESOLUTION

Minute No. 47638

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 130/24 dated August 16, 2024, be received.
2. That reply correspondence dated 26 April 2024 from the State Member for Barwon regarding the Far West Legal Centre be received and noted.
3. That reply correspondence dated 30 April 2024 from the NSW Minister for Western NSW regarding the Far West Legal Centre be received and noted.
4. That reply Correspondence dated 30 April 2024 from the Federal Member for Parkes regarding the Far West Legal Centre be received and noted.
5. That reply correspondence dated 15 May 2024 from the NSW Minister for Women and Minister for the Prevention of Domestic Violence and Sexual Assault, regarding the Far West Community Legal Centre be received and noted.
6. That reply correspondence dated 5 June 2024 from the Federal Minister for Indigenous Australians, regarding the Far West Community Legal Centre be received and noted.
7. That reply correspondence dated 13 August 2024 from the NSW Parliamentary Secretary to the Attorney General, regarding the Far West Community Legal Centre and advising that the Attorney General has appointed the Mallee Family Care Community Legal Centre to provide free legal assistance services in Broken Hill and the Far West region from 1 July 2024, be received and noted.

CARRIED UNANIMOUSLY

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 131/24 - DATED AUGUST 16, 2024 -
CORRESPONDENCE REPORT - SUPPORT TO REGIONAL AIRLINES**
D24/40135

RESOLUTION

Minute No. 47639

Councillor D Turley moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 131/24 dated August 16, 2024, be received.
2. That reply correspondence dated 15 August 2024 from Local Member for Barwon be received and noted.

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3. That Media Release dated 15 August 2024 from The Federal Minister for Transport, The Hon Catherine King MP announcing that the Federal Government will guarantee regional flight bookings for Rex customers throughout Rex's voluntary administration process, be received and noted.
4. That reply correspondence dated 19 August 2024 from Federal Member for Parkes be received and noted.

CARRIED UNANIMOUSLY

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 132/24 - DATED AUGUST 14, 2024 -
2023/2024 DRAFT ANNUAL FINANCIAL STATEMENTS** D24/39832

RESOLUTION

Minute No. 47640

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 132/24 dated August 14, 2024, be received.
2. That the 2023/2024 Draft Primary Financial Statements as attached be received.
3. That the 2023/2024 Draft Primary Financial Statements as attached be referred to audit.
4. That Council adopt the attached Statements of Opinion on the 2023/2024 General Purpose and Special Purpose Financial Statements and the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer sign the Statements in accordance with Section 413(2)(c) of the *Local Government Act 1993*.
5. That Council delegate to the General Manager the authority to finalise the date at which the auditor's report and financial statements are to be presented to the public.
6. That Council delegate the General Manager the authority to authorise the 2023/2024 General Purpose and Special Purpose Financial Statements and associated Special Schedules for issue immediately upon receipt of the auditors reports subject to there being no material audit changes or audit issues, in accordance with AASB 110.

CARRIED UNANIMOUSLY

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 133/24 - DATED AUGUST 19, 2024 -
MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 16 MAY 2024**
D24/40363

RESOLUTION

Minute No. 47641

Councillor D Gallagher moved)
Councillor A Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 133/24 dated August 19, 2024, be received.
2. That minutes of the Audit, Risk and Improvement Committee meeting held 15 August 2024 be endorsed.

CARRIED UNANIMOUSLY

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 134/24 - DATED AUGUST 21, 2024 -
UPGRADE TO LAMB OVAL AND DUFF STREET PARK CRICKET NETS**
D24/40780

RESOLUTION

Minute No. 47642

Councillor D Gallagher moved)
Councillor H Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No. 134/24 dated August 21, 2024, be received.
2. That Council approve the upgrade and installation of upgraded cricket nets for the Lamb Oval and Duff Street Park for the upcoming Cricket Season, due to the removal of cricket nets at both the Willyama High School and Broken Hill High School (as a result of the Willyama High School rebuild and subsequent temporary relocation of the school to Broken Hill High School site).
3. That Council delegate to the General Manager authority to increase Council's capital budget by \$130,000 to accommodate the upgrade of the cricket nets, noting that this is within the designated limits of the caretaker period; and authorise such expenditure to occur.

CARRIED UNANIMOUSLY

**ITEM 15 - BROKEN HILL CITY COUNCIL REPORT NO. 135/24 - DATED AUGUST 19, 2024 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.449, HELD ON TUESDAY, 6
AUGUST 2024**
D24/40307

RESOLUTION

Minute No. 47643

Councillor M Browne moved)
Councillor H Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No. 135/24 dated August 19, 2024, be received.
2. That Item No.449.10.1 recommendation be received:
 - That Council have further consultation with the resident to seek clarity of the concern raised and that this matter be carried over for determination at the September 2024 meeting.

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3. That Item No.446.8.3 recommendation be received:
 - The Local Traffic Committee endorses the Traffic Control Plan for the Road Closure Application, which includes closing Sulphide Street between Argent and Crystal Lane, Argent Street between Oxide and Chloride Street and a section of Chloride Street for the street parade during the Broken Heel Festival.

4. That Item No.445.10.1 recommendations be received:
 - That the Local Traffic Committee endorse the Traffic Management Plan developed by Council and the actions below to address traffic and pedestrian safety around the Broken Hill High School and Willyama High School site.
 - Install four new refuge islands on Garnet, Wolfram and Kaolin Streets.
 - Upgrade all school signage (29 signs).
 - Organise line marking, with costs for car parks covered by Public Education and other line marking by Council.
 - That the Principals of Broken Hill High School and Willyama High School be advised of the Local Traffic Committee decision.

5. That Item No.445.10.2 recommendation be received:
 - That two of the Taxi bays be changed to Uber and Ride Share bays and signs be installed for a trial period of six months.
 - Following the trial period, the Committee then review to determine if a permanent change is warranted.

6. That Item No.446.8.1 recommendation be received:
 - That line marking be painted on the road to narrow the width of Wyman Street at the Oxide Street intersection and the Police be provided the traffic data to undertake inspection of the area at the identified high traffic periods.

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7. That Item No.446.8.2 recommendation be received:
 - That this matter be referred to the Police to observe the area and that no further action be required by the Local Traffic Committee.

8. That Item No.448.8.1 recommendation be received:
 - That the last parking space on Oxide Street, between Wolfram Lane and Mica Street at the Wolfram Lane end, be changed to a 15-minute parking space for a six month trial period.
 - Following the trial period, the Committee then to review to determine if the 15-minute parking space will be made permanent.

CARRIED UNANIMOUSLY

ITEM 16 - BROKEN HILL CITY COUNCIL REPORT NO. 127/24 - DATED JULY 18, 2024 - MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETING HELD 9 JULY 2024 D24/35268

RESOLUTION

Minute No. 47644

Councillor M Browne moved)
Councillor D Turley seconded)

Resolved

1. That Broken Hill City Council Report No. 127/24 dated July 18, 2024, be received.

2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held 9 July 2024 be received.

CARRIED UNANIMOUSLY

ITEM 17 - BROKEN HILL CITY COUNCIL REPORT NO. 136/24 - DATED AUGUST 22, 2024 - ACTION LIST REPORT D24/40944

RESOLUTION

Minute No. 47645

Councillor D Gallagher moved)
Councillor H Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No. 136/24 dated August 22, 2024, be received.

CARRIED UNANIMOUSLY

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

ITEM 18 - QUESTIONS ON NOTICE NO. 10/24 - DATED AUGUST 05, 2024 - COUNCILLOR
QUESTIONS ON NOTICE TAKEN AT THE JULY COUNCIL MEETING D24/38085

RESOLUTION

Resolved

Minute No. 47646

Councillor R Algate moved)

Councillor M Browne seconded)

1. That Questions On Notice No. 10/24 dated
August 5, 2024, be received.

CARRIED UNANIMOUSLY

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Nil

PUBLIC FORUM SESSION

Nil.

CONFIDENTIAL MATTERS

Nil.

CONCLUSION OF THE MEETING

As this is the last meeting of the current term of Council, the Mayor thanked Councillors and staff on their achievements throughout a successful term of Council.

There being no further business to consider, the Mayor closed the meeting at 7:48 p.m.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON 30 OCTOBER 2024.)

CHAIRPERSON

MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
OCTOBER 09, 2024

Meeting commenced at 5:30pm

SWEARING IN OF THE NEW COUNCIL

Pursuant to Section 233A of the Local Government Act 1993, the General Manager conducted the swearing in of the newly elected Council. The following Councillors took the Oath of Office or made the Affirmation of Office at this meeting.

- Mayor Kennedy took the Oath of Office
- Councillor David Gallagher took the Oath of Office
- Councillor Ashley Byrne took the Oath of Office
- Councillor Jim Hickey took the Oath of Office
- Councillor Bob Algate took the Oath of Office
- Councillor Hayley Jewitt made the Affirmation of Office
- Councillor Alan Chandler made the Affirmation of Office
- Councillor Elaine Gillett took the Oath of Office

PRESENT:

Councillor T. Kennedy (Mayor) Councillors J. Hickey, B. Algate, A. Byrne, A. Chandler, D. Gallagher, E. Gillett and H. Jewitt.

General Manager, Director Corporate and Community, Director Finance and Commercial, Director Infrastructure and Environment, Manager Communications and Marketing, Executive Officer and Executive Assistants.

Media (2), Members of the Public (3)

APOLOGIES:

Nil

LEAVE OF ABSENCE APPLICATIONS:

- 1) Councillor Boland submitted a Leave of Absence application for this meeting and provided the reason "away for work".
- 2) Councillor Turley submitted a Leave of Absence application for this meeting for a prescribed reason.

RESOLUTION

Minute No. 47647

Councillor A Chandler moved
Councillor D Gallagher seconded

)
)

Resolved

That the applications be accepted and Councillors Boland and Turley be granted a Leave of Absence for this meeting.

CARRIED UNANIMOUSLY

PURPOSE OF THE MEETING

The Extraordinary Meeting was called to consider reports relating to the machinery matters of the new Term of Council.

PRAYER

Councillor Hickey delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

ACKNOWLEDGEMENT OF BROKEN HILL'S MINING HISTORY

Councillor Jewitt delivered the Acknowledgment of Broken Hill's Mining History.

PUBLIC FORUM

Nil.

DISCLOSURE OF INTEREST

Nil.

REPORTS

**ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 137/24 - DATED OCTOBER 03, 2024 -
ELECTION OF DEPUTY MAYOR** D24/31124

RESOLUTION

Minute No. 47648

Councillor R Algate moved)
Councillor A Chandler seconded)

Resolved

1. That Broken Hill City Council Report No. 137/24 dated October 3, 2024, be received.
2. That pursuant to the *Local Government Act 1993 Section 231* Council elects the Deputy Mayor at this meeting and the election be carried out in accordance with the *Local Government (General) Regulation 2021 Schedule 7*.
3. That the Deputy Mayor be elected for the period commencing from this Council Meeting until the September 2025 Ordinary Council Meeting.
4. That voting in the Deputy Mayor election be by open voting, i.e. "show of hands".
5. That the result of the Deputy Mayor election be forwarded to the Office of Local Government and to Local Government NSW.

CARRIED UNANIMOUSLY

ELECTION OF DEPUTY MAYOR

The Mayor appointed the General Manager as Returning Officer for the conduct of the Election of Deputy Mayor.

The Returning Officer advised that 1 nomination had been received for the position of Deputy Mayor, being:

Councillor Hickey (nominated by Councillor Gallagher and Councillor Chandler) nomination received: 9 October 2024 at 5:25pm .

The Returning Officer called for any further nominations prior to the ballot being conducted.

As there were no further nominations, the Returning Officer declared Councillor Hickey elected as Deputy Mayor for the period 9 October 2024 to the September 2025 Ordinary Council Meeting.

The Returning Officer congratulated Councillor Hickey on his appointment as Deputy Mayor. Councillor Hickey assumed the Deputy Mayor's chair for the remainder of the meeting.

ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 138/24 - DATED OCTOBER 03, 2024 - DELEGATION OF FUNCTIONS D24/31134

RESOLUTION

Minute No. 47649

Councillor A Byrne moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 138/24 dated October 3, 2024, be received.
2. That pursuant to the *Local Government Act 1993 Chapter 9 Part 2 Division 1 Section 223(1)(a)* the Broken Hill City Council delegates to the Mayor of the Broken Hill City Council, the Functions of the Mayor pursuant to the *Local Government Act 1993 Chapter 9 Part 2 Division 2 Section 226* and in accordance with the Instruments of Delegation attached to this report at Attachment 1.
3. That pursuant to the *Local Government Act 1993 Chapter 9 Part 2 Division 1 Section 223(1)(a)* the Broken Hill City Council delegates to the Deputy Mayor of the Broken Hill City Council, the Functions of the Deputy Mayor pursuant to the *Local Government Act 1993 Division 2 Section 231* and in accordance with the Instruments of Delegation attached to this report at Attachment 2.
4. That pursuant to the *Local Government Act 1993 Chapter 9 Part 2 Division 1 Section 223(1)(a)* the Broken Hill City Council delegates to the General Manager of the Broken Hill City Council, the Functions of General Manager pursuant to the *Local Government Act 1993 Chapter 12 Part 3 Section 377* and in accordance with the Instrument of Delegation attached to this report at Attachment 3.

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5. That Council notes that pursuant to the *Local Government Act 1993 Chapter 12 Part 3 Sections 377 and 378* the General Manager will sub-delegate functions of the General Manager to the relevant Council Officers as per the Schedule of Delegable Functions for the Broken Hill City Council attached to this report at Attachment 4.
6. That during the current Term of Council, the Broken Hill City Council delegates authority to the Mayor pursuant to the *Local Government Act 1993 Chapter 9 Part 2 Division 1 Section 223(1)(a)* for the Mayor to consult with the General Manager to determine and issue to the appropriate Council Officer who from time to time will act in the position of General Manager if the General Manager is sick or otherwise absent from work on leave, with such appointment to cease upon the return to work of the General Manager; and that such person acting as General Manager pursuant to this Council resolution be given all the functions and delegations given to the General Manager by the Council in accordance with the *Local Government Act 1993 Chapter 12 Part 3 Sections 377* and as issued by point 4 of this recommendation.

CARRIED UNANIMOUSLY

**ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 139/24 - DATED OCTOBER 10, 2024 -
APPOINTMENT OF DELEGATES TO COMMITTEES - OCTOBER 2024 TO SEPTEMBER 2025**

D24/31141

RESOLUTION

Minute No. 47650

Deputy Mayor J Hickey moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 139/24 dated October 10, 2024, be received.
2. That Council disbands the S355 Friends of the Flora and Fauna of the Barrier Ranges Community Committee in order to transition to the Living Desert State Park Volunteer Group and forwards letters of acknowledgement to the Committee's former members.
3. That Council adopts the draft Terms of Reference for the formation of the Living Desert State Park Volunteer Group and calls for nominations for community members on the Volunteer Group.
4. That Council disbands the S355 Riddiford Arboretum Community Committee in order to transition to the Riddiford Arboretum Volunteer Group and forwards letters of acknowledgement to the Committee's former members.

5. That Council adopts the draft Terms of Reference for the formation of the Riddiford Arboretum Volunteer Group and calls for nominations for community members on the Volunteer Group.
6. That Council disbands the S355 BIU Band Hall Community Committee; and presents a further report to Council for consideration to enter into licence agreements for the two main users of the BIU Band Hall being the BIU Band and the Broken Hill Soccer Association.
7. That Council reviews the Constitution of the S355 Broken Hill Heritage Advisory Committee, due to the original intent of the Committee (to oversee the organisation of the Broken Hill Heritage Festival) being no longer undertaken; and that Councillors not be appointed to the Committee at this stage.
8. That Council reviews the Constitution of the S355 Alma Oval Community Committee (which was temporarily disbanded in July 2023) with a view to reinstate the Committee and to introduce user group representatives instead of community representatives, and that Councillors be appointed to this Committee in readiness for its reinstatement.
9. That Council representatives on Section 355 Committees and various other Committees and Working Groups for the period October 2024 until the September 2025 Ordinary Council Meeting be as follows:

STANDING COMMITTEES

Infrastructure and Environment

Mayor and 4 Councillors

Mayor Kennedy
Deputy Mayor Hickey
Councillor Algate
Councillor Gallagher
Councillor Byrne

Community Development

Mayor and 5 Councillors

Mayor Kennedy
Deputy Mayor Hickey
Councillor Jewitt
Councillor Algate
Councillor Chandler
Councillor Gillett

Finance and Governance

Mayor and 5 Councillors

Mayor Kennedy
Councillor Algate
Councillor Byrne
Councillor Chandler
Councillor Boland
1 vacant position

COUNCIL S355 COMMITTEES

Ageing Well Advisory Committee

3 Councillors

Councillor Gallagher
Councillor Jewitt
Councillor Algate

Alma Oval Community Committee

At least 1 Councillor

Councillor Boland
Councillor Byrne

Broken Hill Heritage Advisory Committee

3 Councillors

Councillors have not been appointed to this Committee as the Constitution is required to be reviewed and presented to Council.

Broken Hill City Art Gallery Advisory Committee

3 Councillors

Councillor Chandler
Councillor Gillett
Councillor Boland

ET Lamb Memorial Oval Community Committee

At least 1 Councillor

Councillor Gallagher

Memorial Oval Community Committee

At least 1 Councillor

Councillor Gallagher

Norm Fox Sportsground Community Committee

At least 1 Councillor

Councillor Algate

Picton Sportsground Community Committee

At least 1 Councillor

Councillor Gallagher

Youth Advisory Committee

3 Councillors

Councillor Jewitt
Councillor Chandler
1 vacant position

OTHER COMMITTEES

Association of Mining and Energy Related Councils

1 Councillor

Deputy Mayor Hickey

Australia Day Advisory Group

4 Councillors

Councillor Gallagher

Councillor Byrne

Councillor Jewitt

1 vacant position

Australian Floodplains Association

Mayor and Alternate

Mayor Kennedy

Deputy Mayor Hickey (Alternate)

Australian Mining Cities and Centres

Alliance

Mayor and Deputy Mayor (Alternate)

Mayor Kennedy

Deputy Mayor Hickey (Alternate)

Audit, Risk and Improvement Committee

Mayor (Observer) and 1 Councillor (Non-voting member)

Mayor Kennedy (Observer)

Councillor Algate (Non-voting member)

Asset Naming Committee

4 Councillors

Councillor Algate

Councillor Chandler

Councillor Jewitt

Councillor Boland

Broken Hill ClubGRANTS Committee

2 Councillors

Deputy Mayor Hickey

Councillor Gallagher

Broken Hill Education Working Group

Mayor, Deputy Mayor and 1 Councillor

Mayor Kennedy

Deputy Mayor Hickey

Councillor Chandler

Broken Hill Lead Reference Group

1 Councillor

1 vacant position

Broken Hill Liquor Accord

1 Councillor

Councillor Gallagher

Broken Hill Traffic Committee

1 Councillor (Observer)

Councillor Algate (Observer)

Community Assistance Grants Panel

Mayor and 2 Councillors

Mayor Kennedy

Councillor Gallagher

Councillor Algate

Companion Animals Management

Working Group

3 Councillors

Mayor Kennedy

Councillor Gillett

Councillor Jewitt

Country Mayor's Association

Mayor and Deputy Mayor (Alternate)

Mayor Kennedy

Deputy Mayor Hickey (Alternate)

Disability Inclusion Action Plan Working Group

2 Councillors

Councillor Chandler

Councillor Gillett

EP O'Neill Memorial Precinct Project

Steering Group

Mayor, Deputy Mayor and 1 Councillor

Mayor Kennedy

Deputy Mayor Hickey

Councillor Algate

Far West Joint Organisation

Mayor and Deputy Mayor

Mayor Kennedy

Deputy Mayor Hickey

Fruit Fly Control Awareness Working Group

3 Councillors

Deputy Mayor Hickey

Councillor Chandler

Councillor Gillett

Gateway Signage Advisory Committee

Mayor, Deputy Mayor and at least 1 Councillor

Mayor Kennedy

Deputy Mayor Hickey

Councillor Algate

General Manager's Performance Review Committee

Mayor, Deputy Mayor and 3 Councillors

Mayor Kennedy

Deputy Mayor Hickey
Councillor Algate
Councillor Gallagher
Councillor Byrne

**Library and Cultural Precinct Project
Steering Group**

Mayor and Deputy Mayor
Mayor Kennedy
Deputy Mayor Hickey

**Menindee Lakes Stakeholder Group
1 Councillor**

Deputy Mayor Hickey

**Murray Darling Association Region 4
2 Councillors**

Deputy Mayor Hickey
Councillor Gallagher

**NSW Public Libraries Association
1 Councillor**

Councillor Chandler

**Perilya North Mine Community
Consultative Committee**

1 Councillor
Deputy Mayor Hickey

**Project Steering Group for the Project
Consultative Group**

Mayor, Deputy Mayor and 2 Councillors
Mayor Kennedy
Deputy Mayor Hickey
Councillor Byrne

**Reconciliation Action Plan (RAP) Working
Group**

3 Councillors
Councillor Byrne
Councillor Gillett
Councillor Jewitt

**Regional Capitals Australia
Mayor and Deputy Mayor**

Mayor Kennedy
Deputy Mayor Hickey

**Regional Cities NSW
Mayor and Deputy Mayor**

Mayor Kennedy
Deputy Mayor Hickey

**Silverton Wind Farm Community
Consultative Committee**

1 Councillor
Deputy Mayor Hickey

**Tidy Towns Working Group
2 Councillors**

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Councillor Gallagher
1 vacant position

Western Division Councils

2 Councillors

Deputy Mayor Hickey
Councillor Gallagher

**Western NSW Mining and Resource
Development Taskforce**

Mayor

Mayor Kennedy

Volunteer Working Group

4 Councillors

Deputy Mayor Hickey
Councillor Jewitt
Councillor Chandler
Councillor Boland

10. That the Terms of Reference of the Project Steering Group for the Project Consultative Group be amended to include one (1) additional Councillor representative in the membership.
11. That Council approves Deputy Mayor Hickey to nominate as Chairperson of Murray Darling Association – Region 4.

CARRIED UNANIMOUSLY

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 140/24 - DATED OCTOBER 03, 2024 -
CASUAL VACANCIES IN THE OFFICE OF COUNCILLOR WITHIN 18 MONTHS OF THE 14
SEPTEMBER 2024 LOCAL GOVERNMENT ELECTION** D24/31101

RESOLUTION

Minute No. 47651

Councillor R Algate moved)
Deputy Mayor J Hickey seconded)

Resolved

1. That Broken Hill City Council Report No. 140/24 dated October 3, 2024, be received.
2. That pursuant to section 291(A)(1)(b) of the Local Government Act 1993, should there become casual vacancies in the office of Councillor for Broken Hill City Council within 18 months after the 14 September 2024 Broken Hill City Council Local Government election, vacancies are to be filled by using a countback of votes cast at the 14 September 2024 Broken Hill City Council Local Government election.
3. That the General Manager advises the Returning Officer (of the Broken Hill City Council Local Government election held 14 September 2024) within seven (7) days, of Council's resolution on this matter.

CARRIED UNANIMOUSLY

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**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 141/24 - DATED OCTOBER 03, 2024 -
ELECTORAL FUNDING OBLIGATIONS OF NEWLY ELECTED COUNCILLORS AND MAYORS**

D24/31146

RESOLUTION

Minute No. 47652

Deputy Mayor J Hickey moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 141/24 dated October 3, 2024, be received.
2. That the Mayor and Councillors note that it is their personal responsibility to adhere to the NSW Electoral Commission's disclosure obligations as newly elected members of Council; and to comply with the NSW Electoral Commission's reporting requirements of political donations and electoral expenditure during their Term of Council.

CARRIED UNANIMOUSLY

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 142/24 - DATED OCTOBER 03, 2024 -
DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS**

D24/41795

RESOLUTION

Minute No. 47653

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 142/24 dated October 3, 2024, be received.
2. That as per the *Local Government Act 1993 Chapter 14 Division 1*, Council notes the submission of the required Disclosure Returns by Councillors and Designated Persons of Council holding that position at 30 June 2024; and that the Disclosure Returns be tabled by Council.
3. That Council notes that newly elected Councillors must also complete a Disclosure by Councillors and Designated Persons Return within three (3) months of being elected as a Councillor, and that these will be tabled at the next Council Meeting after the return is lodged.
4. That public access to Council's Register of Returns of Disclosures by Councillors and Designated Persons be in accordance with the provisions of the *Local Government Act 1993*, *Government Information (Public Access) Act 2009* and *Government Information (Public Access) Regulation 2018*; and the Disclosure Returns be published on Council's website accordingly.

CARRIED UNANIMOUSLY

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**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 143/24 - DATED OCTOBER 03, 2024 -
ADOPTION OF DRAFT REVIEWED CODE OF CONDUCT POLICY** D24/34795

RESOLUTION

Minute No. 47654

Councillor D Gallagher moved)

Councillor A Byrne seconded)

Resolved

1. That Broken Hill City Council Report No. 143/24 dated October 3, 2024, be received.
2. That pursuant to the *Local Government Act 1993 Chapter 14 Division 1*, Council adopts the draft reviewed (unamended) Code of Conduct Policy and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW for the interim period whilst the Office of Local Government consults with the industry regarding amendments to the Model Code of Conduct for Local Councils in NSW and issues a new Model Code and Model Procedures.

CARRIED UNANIMOUSLY

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 144/24 - DATED OCTOBER 03, 2024 -
DRAFT CODE OF MEETING PRACTICE POLICY FOR PUBLIC EXHIBITION** D24/34799

Motion

Councillor A Byrne moved)

Councillor R Algate seconded)

1. That Broken Hill City Council Report No. 144/24 dated October 3, 2024, be received.
2. That Council notes the amendment to Council's Code of Meeting Practice Policy to rename the three Standing Committees to align with Council's directorates with the Committees to now be called:
 - Infrastructure and Environment Committee (formerly named the Works Committee)
 - Community Development Committee (formerly named the Health and Building Committee)
 - Finance and Governance Committee (formerly named the Policy and General Committee)
3. That pursuant to the *Local Government Act 1993 Division 1 section 360-363*, Council publicly exhibits the draft reviewed Code of Meeting Practice Policy for a period of 28 days and accepts submissions for a period of 42 days from the 1st day of public exhibition.
4. That at the conclusion of the public submissions period, a further report be prepared to Council outlining any submissions received, with a view to adopting the draft reviewed Code of Meeting Practice Policy for the interim period whilst the Office of Local Government consults with the industry regarding amendments to the Model

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Code of Meeting Practice for Local Councils
in NSW and issues a new Model Code.

Amendment

Councillor A Byrne moved)

1. That Broken Hill City Council Report No. 144/24 dated October 3, 2024, be received.
2. That Council notes the amendment to Council's Code of Meeting Practice Policy to rename the three Standing Committees to align with Council's directorates with the Committees to now be called:
 - Infrastructure and Environment Committee (formerly named the Works Committee)
 - Community Development Committee (formerly named the Health and Building Committee)
 - Finance and Governance Committee (formerly named the Policy and General Committee).
3. That the Code of Meeting Practice Policy be amended to include the provision for Councillors to attend meetings via video-conference.
3. That pursuant to the *Local Government Act 1993 Division 1 section 360-363*, Council publicly exhibits the draft reviewed Code of Meeting Practice Policy for a period of 28 days and accepts submissions for a period of 42 days from the 1st day of public exhibition.
4. That at the conclusion of the public submissions period, a further report be prepared to Council outlining any submissions received, with a view to adopting the draft reviewed Code of Meeting Practice Policy for the interim period whilst the Office of Local Government consults with the industry regarding amendments to the Model Code of Meeting Practice for Local Councils in NSW and issues a new Model Code.

LAPSED
(No Secunder)

RESOLUTION

Minute No. 47655

Councillor A Byrne moved)

Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 144/24 dated October 3, 2024, be received.
2. That Council notes the amendment to Council's Code of Meeting Practice Policy to rename the three Standing Committees to align with Council's directorates with the Committees to now be called:

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- Infrastructure and Environment Committee (formerly named the Works Committee)
- Community Development Committee (formerly named the Health and Building Committee)
- Finance and Governance Committee (formerly named the Policy and General Committee).

3. That pursuant to the *Local Government Act 1993 Division 1 section 360-363*, Council publicly exhibits the draft reviewed Code of Meeting Practice Policy for a period of 28 days and accepts submissions for a period of 42 days from the 1st day of public exhibition.
4. That at the conclusion of the public submissions period, a further report be prepared to Council outlining any submissions received, with a view to adopting the draft reviewed Code of Meeting Practice Policy for the interim period whilst the Office of Local Government consults with the industry regarding amendments to the Model Code of Meeting Practice for Local Councils in NSW and issues a new Model Code.

CARRIED UNANIMOUSLY

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 145/24 - DATED OCTOBER 03, 2024 -
ADOPTION OF THE REVISED COUNCILLOR SUPPORT POLICY** D24/31144

RESOLUTION

Minute No. 47656

Councillor R Algate moved)
Councillor H Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No. 145/24 dated October 3, 2024, be received.
2. That Council notes the minor amendments made to the draft revised Councillor Support Policy to reflect that Council issues Councillors with a pre-loaded credit card for use for out-of-pocket expenses associated with Councillor travel arrangements rather than reimbursing Councillors post travel.
3. That Council notes that the draft revised Councillor Support Policy is consistent with the requirements of *Local Government Act 1993 sections 252, 253 and 254* and the *Local Government (General) Regulation 2021 clause 403*.
4. That pursuant to the *Local Government Act 1993 Section 253 (3)*, Council adopts the draft revised Councillor Support Policy as a Policy of Council.

CARRIED UNANIMOUSLY

MINUTES OF THE EXTRAORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 146/24 - DATED OCTOBER 02, 2024 -
ADOPTION OF THE DRAFT REVISED COUNCILLOR AND STAFF INTERACTION POLICY**

D24/34793

RESOLUTION

Minute No. 47657

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No. 146/24 dated October 2, 2024, be received.
2. That Council notes the minor amendments made to the draft revised Councillor and Staff Interaction Policy and also notes that the Councillor and Staff Interaction Policy is consistent with the Office of Local Government's Model Policy.
3. That Council adopts the draft revised Councillor and Staff Interaction Policy as a Policy of Council.

CARRIED UNANIMOUSLY

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 147/24 - DATED OCTOBER 02, 2024 -
COUNCILLOR ATTENDANCE AT THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE TO
BE HELD IN TAMWORTH 17-19 NOVEMBER 2024 AND CANCELLATION OF THE NOVEMBER
2024 STANDING COMMITTEE MEETINGS**

D24/41766

RESOLUTION

Minute No. 47658

Councillor A Chandler moved)
Councillor H Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No. 147/24 dated October 2, 2024, be received.
2. That Councillors Boland, Chandler, Gillett and Jewitt attend the Local Government NSW Annual Conference to be held in Tamworth 17-19 November 2024.
3. That Councillors Boland and Chandler be Council's two voting delegates at the Conference; and that Council advises Local Government NSW of its voting delegates prior to 6 November 2024.
4. That as a number of Elected Members and the General Manager will be attending the Conference during the same week as the November Standing Committee Meetings, the Standing Committee Meetings for November be cancelled with reports presented directly to the Ordinary Council Meeting to be held 27 November 2024.

CARRIED UNANIMOUSLY

PUBLIC FORUM SESSION

Nil.

CONCLUSION OF THE MEETING

There being no further business for Council to consider, the Mayor declared the meeting closed at 6:16 p.m.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON 30 OCTOBER 2024.)

CHAIRPERSON

MAYORAL MINUTES

1. MAYORAL MINUTE NO. 17/24 - DATED OCTOBER 25, 2024 - LOSS OF POWER TO THE CITY DUE TO STORM EVENT ON 16 OCTOBER 2024 (D24/51566)34

ORDINARY MEETING OF THE COUNCIL

October 25, 2024

ITEM 1MAYORAL MINUTE NO. 17/24

SUBJECT: LOSS OF POWER TO THE CITY DUE TO STORM EVENT ON 16
OCTOBER 2024 D24/51566

Summary

A severe storm passed through the Broken Hill and Far West Region of NSW on the evening of Wednesday 16 October 2024 causing seven of Transgrid's transmission towers to collapse south of Broken Hill. These transmission towers provide power from the Buronga sub-station to Broken Hill, Menindee, Wilcannia, Tibooburra, White Cliffs, Packsaddle and the unincorporated area of NSW. The Government have declared the storm event as a Natural Disaster.

Transgrid have two gas turbine backup generators located in Broken Hill to supply the City and the Far West Region should the grid power fail for some reason, but unfortunately one of the generators has been out of commission for some time and it is uncertain exactly how long this generator has been out of service, but according to Transgrid the generator has been out of service since September 2024 due to it being refurbished. This communication breakdown is in contradiction to obligations by Transgrid to notify the Local Emergency Management Committee (LEMC) and Regional Emergency Management Committee (REMC) of any changes in backup power supply to the City.

Since the storm event occurred, Broken Hill's power has been provided by a lone gas turbine backup generator. The City has endured rolling black-outs across the City's grid to ensure the turbine generator did not overheat due to power usage and the impact on the generator of rooftop solar power feed-ins.

At the time of writing this Mayoral Minute (9:30am on Friday 25 October 2024) the City is enduring its second major blackout. The first major blackout occurred on Tuesday 22 – Wednesday 23 October 2024 which for some parts of the City it lasted 32 hours; and the second major blackout started at 2:30am this morning with power yet to be restored to the City. Essential Energy staff have advised that power should be restored to the City (sector by sector) by 10:30am this morning.

Transgrid have a lot to explain as to how this situation has happened and their management of back-up power over the past nine days.

This is a very difficult time for our community, and I am especially concerned for the elderly living at home or in nursing homes; for people who are unwell or on home dialysis and home oxygen and other life support equipment; as well as families with young babies. I am also concerned for the many businesses and their employees who have been impacted by the power outages, and how they will financially recover from this.

I wish to thank all Essential Energy staff, Transgrid staff, Perilya staff and all contractors for working around the clock to support the City during this emergency situation and also members of the Regional Emergency Management Committee and Local Emergency Management Committee for their emergency planning expertise.

I also wish to thank the Premier, the Deputy Opposition Leader and the Member for Barwon for visiting Broken Hill on 24 October 2024 to see first-hand the impact to the community, and for supporting the community with an Inquiry into Transgrid. I also thank the Premier for providing the financial relief packages (\$200 for households and \$400 for impacted businesses available through Service NSW), albeit this amount does not reflect the real loss to residents and small businesses.

Transgrid have advised that they estimate the region will be temporarily reconnected to grid power via temporary powerlines by Wednesday 6 November 2024. There has been no indication of when a permanent reconnection to grid power will be reestablished.

Recommendation

1. That Mayoral Minute No. 17/24 dated October 25, 2024, be received.
2. That Council thanks the Premier, Deputy Opposition Leader and the Member for Barwon for visiting Broken Hill on 24 October 2024 and for their support to the City with an Inquiry into Transgrid.
3. That Council thanks Essential Energy and their workers for their ongoing and around the clock support along with Transgrid workers, Perilya and all contractors involved.
4. That Council thanks the Regional Emergency Management Committee and Local Emergency Management Committee for their ongoing emergency planning for the City.
5. That Council welcomes the financial relief packages, but more needs to be given to ensure that it covers the real loss to residents and small businesses as well as the ongoing outages that we are experiencing.
6. That Council requests Transgrid make a public apology for letting the Far West Community and City of Broken Hill down.
7. That Council requests Transgrid compensate all businesses and employees as a result of the outages and their failure to maintain appropriate backup equipment.
8. That priority is given to ensure suitable backup generators and/or renewable storage is fast tracked to ensure that this is not repeated in the future.
9. That Council write to the Federal Minister for Infrastructure and Minister for Emergency Services, State Minister for Infrastructure and Minister for Emergency Services and our Local Member on the importance of upgrading the Broken Hill Airport to support larger aircraft in times of emergency to cater for the delivery of heavy equipment and support services.

Attachments

There are no attachments for this report.

T. KENNEDY
MAYOR

REPORTS

1.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 148/24 - DATED SEPTEMBER 19, 2024 - CORRESPONDENCE REPORT - COST SHIFTING ONTO LOCAL GOVERNMENT (D24/41466)</u>	39
2.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 149/24 - DATED SEPTEMBER 06, 2024 - CORRESPONDENCE REPORT - NSW INTERMENT SERVICES LEVY (D24/43946)</u>	44
3.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 150/24 - DATED SEPTEMBER 06, 2024 - CORRESPONDENCE REPORT - REGIONAL AIRLINES (D24/43933)</u>	48
4.	<u>BROKEN HILL CITY COUNCIL REPORT NO. 151/24 - DATED AUGUST 16, 2024 - CORRESPONDENCE REPORT - SUPPORT FOR SILVERLEA EARLY CHILDHOOD SERVICES (D24/40127)</u>	53
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- 12. BROKEN HILL CITY COUNCIL REPORT NO. 159/24 - DATED OCTOBER 02, 2024 - SECTION 355 ADVISORY AND ASSET COMMITTEE FRAMEWORK (D24/48279) 151

- 13. BROKEN HILL CITY COUNCIL REPORT NO. 160/24 - DATED OCTOBER 16, 2024 - EXHIBITION OF DRAFT VOLUNTARY PLANNING AGREEMENT WITH A-CAES AUSTRALIA NSW PTY LTD (D24/50244) 300

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- 16. BROKEN HILL CITY COUNCIL REPORT NO. 163/24 - DATED OCTOBER 11, 2024 - INVESTMENT REPORT FOR SEPTEMBER 2024 (D24/49513) 348

- 17. BROKEN HILL CITY COUNCIL REPORT NO. 164/24 - DATED OCTOBER 23, 2024 - PROPOSED EXPANSION OF PLAYTIME PRESCHOOL AND RELOCATION OF CWA TO ALMA INSTITUTE (D24/51148) 365

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ORDINARY MEETING OF THE COUNCIL

September 19, 2024

ITEM 1

BROKEN HILL CITY COUNCIL REPORT NO. 148/24

SUBJECT: CORRESPONDENCE REPORT - COST SHIFTING ONTO LOCAL GOVERNMENT D24/41466

Recommendation

1. That Broken Hill City Council Report No. 148/24 dated September 19, 2024, be received.
2. That reply correspondence dated 22 March 2024, from The Parliamentary Secretary to the Premier on behalf of the NSW Premier be received and noted.
3. That reply correspondence dated 23 August 2024, from The Hon Ron Hoenig MP advising the purpose of the Government Inquiry into the ability of Local Government to fund infrastructure and services; changes to the rate peg methodology which commenced 1 July 2024; improved oversight of the industry by the Office of Local Government; the NSW Government's \$200M in grants available to Councils to address the housing crisis; and the NSW Government's \$252M Apprenticeship Scheme for Councils to employ 1,300 apprentices and trainees across the local government sector, be received and noted.

Report:

Council, at its Ordinary Meeting held 25 January 2024, considered a Mayoral Minute regarding the Cost Shifting onto Local Government, and resolved as follows:

ITEM 1 - MAYORAL MINUTE NO. 1/24 - DATED JANUARY 25, 2024 - COST SHIFTING ONTO LOCAL GOVERNMENT D24/3515

Councillor Turley declared a non-pecuniary interest in Item 1 and left the Council Chambers at 6:38pm.

RESOLUTION

Minute No. 47439

Mayor T Kennedy moved)
Councillor A Chandler seconded)

Resolved

1. That Mayoral Minute No. 1/24 dated January 25, 2024, be received.
2. That Council receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year.
3. That a copy of the cost shifting report be placed on Council's website so that our communities can access it.
4. That Council writes to the Premier, the NSW Treasurer and the NSW Minister for Local Government, and the Local Member

requesting that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.

CARRIED UNANIMOUSLY

Following the January Council Meeting, Mayoral correspondence dated 11 March 2024 was forwarded to the NSW Premier The Hon Chris Minns, the NSW Treasurer The Hon Daniel Mookhey MLC, the Minister for Local Government The Hon Ron Hoenig MP and Member for Barwon Mr Roy Butler.

Council has received reply correspondence from The Parliamentary Secretary to the Premier on behalf of NSW Premier, The Hon Chris Minns dated 22 March 2024 and The Hon Ron Hoenig MP, Minister for Local Government dated 23 August 2024 advising the purpose of the Government Inquiry into the ability of Local Government to fund infrastructure and services; changes to the rate peg methodology which commenced 1 July 2024; improved oversight of the industry by the Office of Local Government; the NSW Government's \$200M in grants available to Councils to address the housing crisis; and the NSW Government's \$252M Apprenticeship Scheme for Councils to employ 1,300 apprentices and trainees across the local government sector.

The correspondence is attached to this report.

Attachments

1. [↓](#) Reply Correspondence from the Parliamentary Secretary
2. [↓](#) Reply Correspondence from the Minister for Local Government

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

Julia Finn MP

Parliamentary Secretary to the Premier
Parliamentary Secretary for the Arts



Ref: 00041204

Councillor Tom Kennedy
Mayor
Broken Hill City Council
executive.support@brokenhill.nsw.gov.au

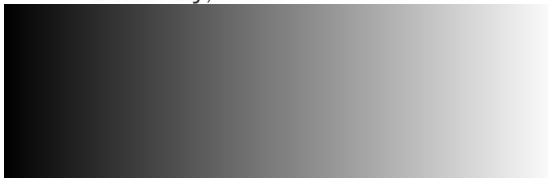
Dear Councillor Kennedy,

Thank you for your correspondence regarding cost shifting. I am replying on behalf of the Premier and I appreciate you expressing your views on this matter.

As the matter raised falls under the primary responsibility of the Hon Ron Hoenig, Minister for Local Government, it is appropriate that the Minister considers your correspondence and I have forwarded it accordingly. If you have any further enquiries about this matter, please contact the Minister's office.

Thank you for taking the time to bring this matter to the Government's attention.

Sincerely,



Julia Finn MP
Parliamentary Secretary to the Premier
Parliamentary Secretary for the Arts

CC: The Hon Ron Hoenig, Minister for Local Government

Leader of the House in the Legislative Assembly
Vice-President of the Executive Council
Minister for Local Government



Our Ref: A894274 / M024-0192
Your Ref: L24/394 – 11/304 TK:LB

His Worship the Mayor
Cr Thomas Kennedy
Broken Hill City Council
PO Box 448
BROKEN HILL NSW 2880

Via email: executive.support@brokenhill.nsw.gov.au

Dear Cr Kennedy,

Thank you for your letter to the NSW Government regarding cost shifting to councils.

The financial sustainability of councils is a key priority for the NSW Government and, together with the Office of Local Government (OLG), I have been in regular discussions to investigate paths forward. While the NSW Government funds billions of dollars of services and infrastructure for councils across the state every year, it is irrefutable that councils are facing financial challenges at a growing rate and something must be done to address this matter.

Accordingly, I have asked the Legislative Council's Standing Committee on State Development to report and inquire into the ability of local governments to fund infrastructure and services (the Inquiry). The Inquiry is examining the income received by councils to ascertain whether the rate peg has kept up with council expenses. It will also look at whether current levels of service delivery and financial sustainability in local government, including the impact of cost shifting on service delivery and financial sustainability, has changed over time.

At the request of the Government, the Independent Pricing and Regulatory Tribunal has made changes to the rate peg methodology to ensure the general income of councils is more reflective of the changes in costs incurred. As you would be aware, these changes commenced this financial year and include a more direct reflection of the costs of the emergency services levy, ensuring this expense is not a burden to a council's financial sustainability.

To improve community confidence in the local government sector, the 2024-25 NSW Budget invests an additional \$37.4 million to bolster the capacity of the OLG, which has been under-resourced for decades. This will empower the OLG to provide the sector with improved regulatory oversight and enhance the OLG's ability to quickly identify and intervene when issues of governance and financial mismanagement arise across any of the state's 128 councils. In addition, the OLG will utilise the funding to prioritise reform to

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nsw.gov.au/ministerhoenig

1

the councillor code of conduct and identify methods for increased transparency and accountability across the sector.

The NSW Government also recognises councils' critical role in addressing the housing crisis. The Budget reserves \$200 million in grants for councils to meet and beat their housing targets and to help councils deliver infrastructure including roads, open spaces, and community facilities to their local communities.

In addition, the NSW Government is investing \$252 million for councils to employ 1,300 apprentices and trainees across the local government sector. This investment will enhance the capacity of the local government workforce by training up the next generation of plumbers, engineers, civil construction workers, mechanics, childcare workers and planning cadets that local governments rely on. The guidelines for the administration of the scheme are currently in development with the first batch of apprentices and trainees to start their new careers early next year.

The Inquiry, the commencement of the new rate peg methodology, and the 2024-25 Budget announcements demonstrate the NSW Government's commitment to empowering councils and addressing financial sustainability issues across the local government sector.

I trust this information is of assistance.

Yours sincerely,



23 AUG 2024

The Hon. Ron Hoenig MP
Leader of the House in the Legislative Assembly
Vice-President of the Executive Council
Minister for Local Government

ORDINARY MEETING OF THE COUNCIL

September 6, 2024

ITEM 2

BROKEN HILL CITY COUNCIL REPORT NO. 149/24

SUBJECT: CORRESPONDENCE REPORT - NSW INTERMENT SERVICES
LEVY D24/43946

Recommendation

1. That Broken Hill City Council Report No. 149/24 dated September 6, 2024, be received.
2. That reply correspondence from the Minister for Lands and Property, The Hon Steve Kamper on behalf of NSW Deputy Premier, The Hon Prue Car MP. dated 2 September 2024 advising that the industry requires a strong proactive regulator to oversee the standards of the industry and a levy is the fairest way to fund the regulator and advising the core responsibilities of the regular, be received and noted.

Report:

Council, at its Ordinary Meeting held 31 July 2024, considered a Matter of Urgency regarding the NSW Interment Services Levy, and resolved as follows:

ITEM 5 - NSW INTERMENT SERVICES LEVY (GB3/24)

11/55

RESOLUTION

Minute No. 47594

Councillor D Gallagher moved)
 Councillor D Turley seconded)

Resolved

That Council sends correspondence to the NSW Premier the Hon Chris Minns MP, the NSW Deputy Premier the Hon Prue Car MP, the Leader of the Opposition the Hon Mark Speakerman MP, Deputy Leader of the Opposition in the Legislative Assembly the Hon Robyn Preston MP, NSW Minister for Lands and Property the Hon Stephen Kamper MP, Duty MLC for Barwon the Hon Stephen Lawrence, Member for Barwon Roy Butler; that the Cemetery interment levy should be scrapped as it puts an unfair and unreasonable burden on local communities and grieving families, and is merely a revenue raising tax for treasury with no tangible local benefits.

CARRIED UNANIMOUSLY

Following the July Council Meeting, Mayoral correspondence dated 15 August 2024 was forwarded to NSW Premier the Hon Chris Minns MP, the NSW Deputy Premier the Hon Prue Car MP, the Leader of the Opposition the Hon Mark Speakerman MP, Deputy Leader of the Opposition in the Legislative Assembly the Hon Robyn Preston MP, NSW Minister for Lands and Property the Hon Stephen Kamper MP, Duty MLC for Barwon the Hon Stephen Lawrence, Member for Barwon Roy Butler.

Council has received reply correspondence from the Minister for Lands and Property, the Hon Steve Kamper MP on behalf of NSW Deputy Premier, The Hon Prue Car MP. dated 2 September 2024 asking that Council accept the correspondence as a response to all correspondence. The Minister advises that that the industry requires a strong proactive regulator to oversee the standards of the industry and that a levy is the fairest way to fund the regulator. The correspondence also advises the core responsibilities of the regular.

The correspondence is attached to this report.

Attachments

1. Correspondence from The Hon Steve Kamper MP - Review of the NSW Interment Services Levy
[↓](#)

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

The Hon Steve Kamper MP

Minister for Small Business
Minister for Lands and Property
Minister for Multiculturalism
Minister for Sport



Our ref: MINS 11317
Your ref: L24/1661-11/161 TK:JM

Mayor Tom Kennedy
Broken Hill Council

Via email: council@brokenhill.nsw.gov.au

Re: Interment Services Levy

Dear Mayor

Thank you for your letters of 15 August 2024 to myself and the Hon Prue Car MP, Deputy Premier, about the Interment Services Levy and for the work Broken Hill Shire Council does in providing interment services to your local community. Your correspondence to the Deputy Premier was referred to me as it falls within my portfolio responsibilities. I ask that you accept this as a response to all correspondence.

I am sure you would agree with the Government's aim that all people in NSW should have access to sustainable and affordable burial and cremation services that are respectful of culture and faith, and which are provided in a compassionate, consistent, transparent, and accountable way. Unfortunately, the interment industry faces many challenges. The industry has been plagued by years of inaction, a weak regulator, and horror stories about shoddy operators and their impact on vulnerable customers. Poor practices have occurred across NSW and across all operator types, including some local councils.

As you know, when things go wrong in this sector, they go very wrong, and cause significant distress for customers and families.

We need a strong, proactive, regulator to develop and oversee industry standards that will benefit consumers, communities and operators alike. A levy is the fairest way to fund the regulator to fix this long-running crisis. Numerous reviews and proposals have put this forward as a key part of the solution. The government is now taking action to ensure consumers and communities have the standards and protections they deserve.

The levy will enable Cemeteries & Crematoria NSW (CCNSW) to:

- protect families and consumers; by setting clear standards in areas like contracts and transparent pricing so that customers know what their options are and what they're purchasing;
- back up these standards; with a program of strong audits and monitoring of compliance to ensure good practice;
- support the industry to improve; by providing guidance and training to lift performance;
- give people peace of mind; knowing that after they have passed, the arrangements they put in place will continue to be respected under the watchful eye of an independent regulator; and
- prevent future crises; by ensuring we have enough space to meet the State's burial needs and that cemeteries have plans for their perpetual maintenance.

These results will only be possible with the funding provided by the levy.

I appreciate Council's engagement with the new standards being introduced, and all you do to support families at a critical time in their lives. I look forward to continuing to work with you on this journey as we shape the future of interment services to better serve the people of NSW.

I have asked that Ms Jennifer Hickey, Chief Executive Officer for CCNSW, be available should you have any further questions or concerns. Ms Hickey can be contacted on 0436 522 457 or via email at jennifer.hickey@cemeteries.nsw.gov.au.

Yours sincerely



Steve Kamper MP
Minister for Small Business
Minister for Lands and Property
Minister for Multiculturalism
Minister for Sport

ORDINARY MEETING OF THE COUNCIL

September 6, 2024

ITEM 3

BROKEN HILL CITY COUNCIL REPORT NO. 150/24

SUBJECT: CORRESPONDENCE REPORT - REGIONAL AIRLINES D24/43933

Recommendation

1. That Broken Hill City Council Report No. 150/24 dated September 6, 2024, be received.
2. That reply correspondence dated 5 September 2024, from The Hon Patrick Gorman MP, Assistant Minister for the Prime Minister on behalf of the Prime Minister, advising that the Federal Government has announced that it will guarantee regional flight bookings for Rex customers throughout the voluntary administration process and has referred Council’s correspondence to the Federal Minister for Infrastructure, Transport, Regional Development and Local Government, The Hon Catherine King MP, be received and noted.
3. That reply correspondence dated 9 September 2024, from the Hon Kristy McBain MP, Federal Minister for Regional Development, Local Government and Territories on behalf of the Federal Minister for Infrastructure, Transport, Regional Development and Local Government, The Hon Catherine King MP advising that in addition to the Federal Government’s guaranteed flight bookings for Rex customers, the recently released Aviation White Paper sets out the Federal Government’s policies to promote the efficiency, safety, sustainability, productivity and competitiveness of the aviation sector to 2050, be received and noted.

Report:

Council, at its Ordinary Meeting held 31 July 2024, considered a Mayoral Minute regarding the Support to Regional Airlines, and resolved as follows:

ITEM 4 - MAYORAL MINUTE NO. 13/24 - DATED JULY 31, 2024 - SUPPORT TO REGIONAL AIRLINES D24/37131

RESOLUTION

Minute No. 47593

Mayor T Kennedy moved)
 Councillor M Boland seconded)

Resolved

1. That Mayoral Minute No. 13/24 dated July 31, 2024, be received.
2. That Council write to the Prime Minister the Hon Anthony Albanese MP, Federal Minister for Transport The Hon Catherine King MP, NSW Minister for Transport the Hon Jo Haylen MP, NSW Minister for Regional NSW and Minister for Western NSW the Hon Tara Moriarty MLC, the Federal Member for Parkes The Hon Mark Coulton MP and the State Member for Barwon Mr Roy Butler requesting further support be given to all regional airlines to ensure they maintain access through operating regional routes to

and from rural and remote locations, encouraging competition and therefore allowing more reasonable and fairer prices airfares for our residents and; that Council reinforces the significant role REX plays within the Broken Hill Community, providing a vital health link to Adelaide for medical staff as well as patients for lifesaving treatment.

CARRIED UNANIMOUSLY

Following the July Council Meeting, Mayoral correspondence dated 13 August 2024 was forwarded to the Prime Minister the Hon Anthony Albanese MP, Federal Minister for Transport The Hon Catherine King MP, NSW Minister for Transport the Hon Jo Haylen MP, NSW Minister for Regional NSW and Minister for Western NSW the Hon Tara Moriarty MLC, the Federal Member for Parkes The Hon Mark Coulton MP and the State Member for Barwon Mr Roy Butler

Council has received reply correspondence from The Hon Patrick Gorman MP, The Assistant Minister for the Prime Minister on behalf of the Prime Minister, The Hon Anthony Albanese MP, dated 5 September 2024 and The Hon Kristy McBain MP, Federal Minister for Regional Development, Local Government and Territories on behalf of the Hon Catherine King MP, Federal Minister for Infrastructure, Transport, Regional Development and Local Government, dated 9 September 2024.

The correspondence is attached to this report.

Attachments

1. [↓](#) Response to Letter regarding Regional Express - The Hon Patrick Gorman MP
2. [↓](#) Response to Letter regarding Regional Express - The Hon Kristy McBain MP

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

05 SEP 2024



ASSISTANT MINISTER TO THE PRIME MINISTER
ASSISTANT MINISTER FOR THE PUBLIC SERVICE
ASSISTANT MINISTER TO THE ATTORNEY-GENERAL
MEMBER FOR PERTH
The Hon Patrick Gorman MP

Reference: MC24-112035

Mr Tom Kennedy
Mayor
Broken Hill City Council
PO Box 448
BROKEN HILL NSW 2880

Dear Mayor

Thank you for your letter dated 13 August 2024 to the Hon Anthony Albanese MP, Prime Minister, regarding the ongoing situation with Regional Express (Rex) and regional aviation. The Prime Minister has asked me to respond on his behalf.

I acknowledge that this has been a concerning time for impacted regional communities who rely on Rex and regional aviation services – whether that be for employment opportunities, medical appointments or to connect to family and friends. I also acknowledge it has been particularly distressing for Rex Employees.

Rex's continuation is in the best interests of Australia – the Government has announced it will guarantee regional flight bookings for Rex customers throughout the voluntary administration process. This will give travellers the confidence to continue to book regional flights on Rex during this process as they will either fly or get their money back. The Government is also working closely with the administrators to ensure a strong regional aviation presence into the future.

I have referred your correspondence to the Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government for consideration as the Minister responsible for aviation and regional matters.

Yours sincerely

A black rectangular redaction box covering the signature of Patrick Gorman.

PATRICK GORMAN

29/08 / 2024

Parliament House CANBERRA ACT 2600



The Hon Kristy McBain MP

Minister for Regional Development, Local Government and Territories
Member for Eden-Monaro

Ref: MC24-014640

Cr Tom Kennedy
Mayor
Broken Hill City Council
PO Box 448
BROKEN HILL NSW 2880

via: council@brokenhill.nsw.gov.au

Dear Mayor *Tom,*

Thank you for your letter of 13 August 2024 to the Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government regarding Regional Express (Rex) airlines entering voluntary administration and its role in supporting air connectivity for regional and remote communities. Minister King has asked me to respond on her behalf.

I acknowledge your concerns about the future of Rex airlines and the need for ongoing, reliable regional air connectivity. The Albanese Government recognises how important aviation is to regional Australia – and that Rex plays a major role in the market.

The Albanese Government supports a market-led solution to continue to keep regional flights in the air, but also recognises the importance of ongoing access to aviation services in regional and remote communities.

On 15 August 2024, the Albanese Government announced it is guaranteeing regional flight ticket bookings made while Rex is in voluntary administration. This means that customers who book a regional flight with Rex during the voluntary administration process can be confident that they will either fly, or get their money back.

The Guarantee applies to any regional flight bookings made after Rex entered voluntary administration – from 9:31pm on Tuesday 30 July 2024, and will only be triggered if the Administrator for Rex subsequently cancels a regional flight service, where no alternative service has been delivered, and the Rex Companies are unable to provide a refund.

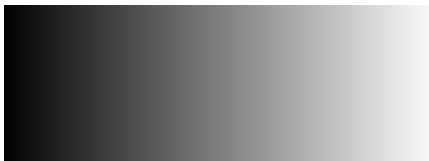
This is not an injection of Commonwealth funds into Rex or the administrators. It is a guarantee for customers' regional flight bookings made while the airline is in voluntary administration, to give customers confidence that they can continue to book regional flights with Rex safely while its administrators work on restructuring its regional operations.

Rex's administrators are working to ensure regional services continue beyond Rex's voluntary administration, and the Government is meeting with the administrators daily to guarantee a strong regional aviation presence now and into the future.

The Albanese Government has also recently released its Aviation White Paper, that sets out the Government's policies to promote the efficiency, safety, sustainability, productivity and competitiveness of the aviation sector out to 2050. The Aviation White Paper can be found at www.infrastructure.gov.au/department/media/publications/aviation-white-paper-towards-2050.

Thank you for taking the time to write to me on this matter.

Yours sincerely



Kristy McBain MP

9/9 / 2024

cc The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government

ORDINARY MEETING OF THE COUNCIL

August 16, 2024

ITEM 4BROKEN HILL CITY COUNCIL REPORT NO. 151/24SUBJECT: CORRESPONDENCE REPORT - SUPPORT FOR SILVERLEA
EARLY CHILDHOOD SERVICES D24/40127**Recommendation**

1. That Broken Hill City Council Report No. 151/24 dated August 16, 2024, be received.
2. That reply correspondence from the Federal Minister for Education has not been received
3. That reply correspondence dated 14 October 2024, from the NSW Minister for Education and Early Learning, addressed to the Local Member for Barwon (forwarded to Council by the Local Member), advising:
 - a) that the NSW Department of Education's NSW Workforce Activation Plan has been put in place for eligible early childhood education and care providers (ECEC) in Bourke Shire, Broken Hill and Cobar Shire to access funding to address workforce shortages, upgrade their services, professional development, mentoring and pre-employment programs;
 - b) that the NSW Government has committed up to \$29.4 million for the ECEC scholarship program that is accessible to regional and remote students;
 - c) that the NSW Government's partnership with the University of Wollongong and the Early Learning and Care Council of Australia to provide an accelerated degree program;
 - d) and that the NSW Government's Regional Development's welcome experience to support people moving to regional areas, be received and noted.
4. That reply correspondence from the NSW Shadow Minister has not been received.
5. That reply correspondence from the Federal Member for Parkes, dated 15 August 2024 be received and that Council notes that this correspondence was forwarded to Silverlea Early Childhood Services on 21 August 2024.
6. That reply correspondence from the Local Member for Barwon dated 16 October 2024, advising of his correspondence sent to the Minister for Education in August and her response provided, be received and noted.

Report:

Council at its meeting held 31 July 2024, considered Mayoral Minute No 12/24 and resolved as follows:

**ITEM 3 - MAYORAL MINUTE NO. 12/24 - DATED JULY 30, 2024 - SUPPORT FOR SILVERLEA
EARLY CHILDHOOD SERVICES**

D24/37005

RESOLUTIONMinute No. 47592

Mayor T Kennedy moved)
Councillor D Gallagher seconded)

Resolved

1. That Mayoral Minute No. 12/24 dated July 30, 2024, be received.
2. That Council provide an update on Silverlea's situation to the Ministers listed in this Mayoral Minute and request information on all current or upcoming Government incentive programs to encourage regional relocation, and any current or upcoming Government funding streams that could potentially help alleviate the issues being faced by Silverlea.

CARRIED UNANIMOUSLY

Mayoral correspondence dated 13 August 2024 was sent to the Federal and State Ministers for Education and Early Learning, the NSW Shadow Minister for Education and Early Learning, Federal Member for Parkes and Local Member for Barwon.

Council has received reply correspondence from the:

- NSW Minister for Education and Early Learning, The Hon Prue Car addressed to the Local Member for Barwon, Mr Roy Butler MP advising of the NSW Department of Education's NSW Workforce Activation Plan that has been put in place for eligible early childhood education and care providers (ECEC) in Bourke Shire, Broken Hill and Cobar Shire to access funding to address workforce shortages, upgrade their services, professional development, mentoring and pre-employment programs; The NSW Government has committed up to \$29.4 million for the ECEC scholarship program that is accessible to regional and remote students; the NSW Government's partnership with the University of Wollongong and the Early Learning and Care Council of Australia to provide an accelerated degree program; and the NSW Government's Regional Development's Welcome experience to support people moving to regional areas.
- The Federal Member for Parkes, The Hon Mark Coulton MP (a copy of this correspondence was forwarded to Silverlea Early Childhood Services on 21 August 2024) and
- The Local Member for Barwon advising of correspondence forwarded to the Minister for Education and Early Learning and the response provided.

The reply correspondence is attached to this report.

Attachments

1. Correspondence Report - Silverlea Early Childhood Services - Response from
[↓](#) Federal Member for Parkes
2. Correspondence Report - Silverlea Early Childhood Services - Response from
[↓](#) Minister for Education and Early Learning provided to Local Member for Barwon

3. Correspondence Report - Silverlea Early Childhood Services - Response from Local
[↓](#) Member for Barwon

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER



Ref: jw/mc

The Hon Mark Coulton MP
Federal Member for Parkes

15 August 2024

Mayor Tom Kennedy
Broken Hill City Council
PO Box 448
BROKEN HILL NSW 2880

Dear Tom

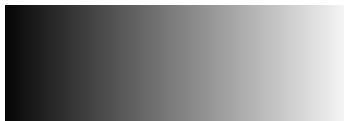
Thank you for your correspondence of 13 August 2024 with regards to Silverlea Early Childhood Services.

Early childhood educators do an incredible job caring for and educating our youngest Australians. The recent announcement of a pay-rise for these educators is certainly welcome. Providers will need to apply for the payment, and it will be paid to them in the form of a grant. However, this pay increase will only be government-funded for two years, after which the onus will fall on providers to cover the cost.

As a first step, I would encourage the Silverlea Early Childhood Service Board to contact the Far West Orana Employment Facilitator (FWOEF) who may be able to assist by connecting them to funding opportunities and provide assistance with developing workforce initiatives and solutions. The Facilitator can be contacted by emailing ef@farwestoranaljp.com

I also encourage the Board to contact me directly to discuss this matter further.

Yours sincerely



Mark Coulton

Email mark.coulton.mp@aph.gov.au

Website www.markcoulton.com.au

Dubbo
Suite 3, 153 Brisbane Street
Dubbo NSW 2830
ph 02 6892 0000

Moree
69 Heber Street
Moree NSW 2400
ph 02 6751 1251

Broken Hill
275 Argent Street
Broken Hill NSW 2880
ph 08 9087 7610

OFFICIAL

The Hon Prue Car MP

Deputy Premier of New South Wales
Minister for Education and Early Learning
Minister for Western Sydney



Ref: RML24/2992

Mr R F Butler MP
Member for Barwon
1/142 Argent Street
BROKEN HILL NSW 2880

Email: barwon@parliament.nsw.gov.au

Dear Mr Butler ^{roy}

Thank you for your representations of 20 August 2024, on behalf of Mr Tom Kennedy, Broken Hill City Council Mayor, regarding current staffing issues at Silverlea Early Childhood Services.

The NSW Government acknowledges the challenges facing the early childhood education and care (ECEC) sector and is invested in growing a highly qualified and sustainable ECEC workforce. In response to the workforce challenges in regional areas like Broken Hill, the NSW Department of Education is providing support through a range of initiatives including scholarships, accelerated degree programs and targeted local investment.

The Western NSW Workforce Activation Program is an investment delivered through the NSW Government's Regional Development Trust and aims to increase workforce participation. The program provides eligible ECEC providers with funding to expand or upgrade their services in the Local Government Areas (LGAs) of Bourke Shire, Broken Hill and Cobar Shire. The program aims to fund projects that will address workforce shortages including through professional development, mentoring and pre-employment programs. The program is administered by the Department of Primary Industries and Regional Development: <https://www.nsw.gov.au/grants-and-funding/western-nsw-workforce-activation-program>

The NSW Government has committed up to \$29.4 million for the ECEC scholarship program. Our data shows that 461 scholars from regional and remote NSW accessed this program.

In 2023, the NSW Government also partnered with the University of Wollongong and the Early Learning and Care Council of Australia to co-design an accelerated degree program for the *Bachelor of Education, the Early Years*. The first intake in this program in July 2023 had 278 students at course commencement, with 27% participating from regional and remote areas.

ECEC services are also encouraged to engage with the Department of Primary Industries and Regional Development's Welcome Experience. The Welcome Experience provides essential workers in both government and private sectors with the support they need to move into regional communities.

If Mr Kennedy requires any further information on this matter, he can contact Mr Jonathan Marin, Manager, Sector Workforce Strategy, Early Childhood Outcomes via email at Jonathan.Marin1@det.nsw.edu.au.

Sincerely


Prue Car MP

Deputy Premier of New South Wales
Minister for Education and Early Learning
Minister for Western Sydney

14 October 2024

52 Martin Place Sydney NSW 2000
GPO Box 5341 Sydney NSW 2001

02 7225 6010
nsw.gov.au/deputy-premier

1

Jessica Murray

From: Roy Butler MP <barwon@parliament.nsw.gov.au>
Sent: Wednesday, 16 October 2024 1:53 PM
To: Jessica Murray
Subject: CM: Re: Support for Silverlea Early Childhood Services (Case Ref: RB06678)
Attachments: RML242992 - SIGNED RESPONSE - DEPUTY PREMIER.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Record Number: D24/50339

Hi Jessica,

Back in August Roy wrote to the Minister for Education, Prue Car on behalf of Council regarding Silverlea Early Childhood Services. Earlier today we received a response, I have attached a copy for your reference.

Should you have any questions please don't hesitate to contact our office.

Kind Regards Rachel

Office of Roy Butler MP, Member for Barwon

E barwon@parliament.nsw.gov.au

W www.roybutler.com.au



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From: Jessica Murray <Jessica.Murray@brokenhill.nsw.gov.au >
Sent: 13 August 2024 13:00
To: ElectorateOffice.Barwon@parliament.nsw.gov.au
Subject: Support for Silverlea Early Childhood Services

ORDINARY MEETING OF THE COUNCIL

September 27, 2024

ITEM 5

BROKEN HILL CITY COUNCIL REPORT NO. 152/24

SUBJECT: CORRESPONDENCE REPORT - BROKEN HILL FRUIT FLY
ZONING D24/47372

Recommendation

1. That Broken Hill City Council Report No. 152/24 dated September 27, 2024, be received.
2. That reply correspondence dated 2 August 2024 from Member for Barwon, be received and noted.
3. That reply correspondence dated 24 September 2024 from the Minister for Agriculture, Minister for Regional NSW and Minister for Western NSW regarding the reintroduction of a Fruit Fly Exclusion Zone around Broken Hill advising:
 - a) the whole of NSW is currently a “Pest Free Area”;
 - b) The Department of Primary Industries and Regional Development (the Department) are no longer funding the management of Queensland Fruit Fly as the pest is endemic, however, as part of the National Fruit Fly Strategy, research around the management (including prevention and eradication) of existing fruit flies continues;
 - c) Sentinel Medfly Traps will be established in Broken Hill to ensure prompt eradication measures should incursion be detected, be received and noted.

Report:

Council at its meeting held 26 June 2024, considered a Mayoral Minute No. GB1/24 regarding Fruit Fly Community Consultation Sessions and resolved as follows:

ITEM 1 - FRUIT FLY COMMUNITY CONSULTATION SESSION (GB1/24) 23/21

RESOLUTION

Resolved

Minute No. 1

Deputy Mayor J Hickey moved)
Councillor R Page seconded)

That Council advertise on social media and the ABC radio that a Fruit Fly community consultation session will be held on 10 July 2024 at 6pm at the Civic Centre by Tim Grieger from Summerfruits SA; and that a Councillor Briefing will also be held earlier on the same.

That letters be sent to relevant Ministers seeking the reintroduction of a Fruit Fly exclusion zone around Broken Hill

CARRIED UNANIMOUSLY

Mayoral correspondence dated 29 July 2024 was sent to the Minister for Agriculture, Regional NSW and Western NSW, Hon Tara Moriarty MLC, the Minister for Environment, the Hon Penny Sharpe MLC, the Member for Barwon, Mr Roy Butler and the Federal Member for Parkes, the Hon Mark Coulton.

A response has been received from the Minister for Agriculture, Regional NSW and Western NSW, the Hon Tara Moriarty advising

- that the whole of NSW is currently a “Pest Free Area”;
- The Department of Primary Industries and Regional Development (the Department) are no longer funding the management of Queensland Fruit Fly as the pest is endemic, however, as part of the National Fruit Fly Strategy, research around the management (including prevention and eradication) of existing fruit flies continues;
- Sentinel Medfly Traps will be established in Broken Hill to ensure prompt eradication measures should incursion be detected and the Member for Barwon. Both responses are attached to this report.

The correspondence received is attached to this report.

Attachments

1. Reply Correspondence from the Minister for Agriculture, Minister for Regional NSW
[↓](#) and Minister for Western NSW
2. Reply Correspondence from Member for Barwon
[↓](#)

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

OFFICIAL

The Hon Tara Moriarty MLC

Minister for Agriculture
Minister for Regional New South Wales
Minister for Western New South Wales



MF24/2026
Your ref: L24/1538: 11/161

Councillor Tom Kennedy
Mayor
Broken Hill City Council
PO Box 448
BROKEN HILL NSW 2880

executive.support@brokenhill.nsw.gov.au

Re: Fruit fly zone

Dear Councillor Kennedy,

Thank you for your letter of 1 August 2024 requesting the NSW Government consider upgrading Broken Hill from its current 'Fruit Fly Exclusion Zone' to a dedicated 'Pest Free Area'. I also acknowledge receipt of a letter dated 6 August 2024 from Mr Roy Butler MP, Member for Barwon, on behalf of the Broken Hill City Council regarding this matter. I appreciate the reasons that have prompted you and Mr Butler to write.

I am advised that Broken Hill has never been a Fruit Fly Exclusion Zone. The whole of New South Wales is considered endemic for Queensland Fruit Fly. The Greater Sunraysia Pest Free Area (GSPFA) was established in 2007 to support unrestricted international trade. Queensland fruit fly was absent in the Greater Sunraysia and Broken Hill Areas when the Pest Free Area was established and occasional outbreaks of the Queensland Fruit Fly in the GSPFA could be eradicated.

I understand that the GSPFA area, which did not include Broken Hill was suspended in 2014 as Queensland Fruit Fly numbers rose and eradication was no longer possible. In March 2024 the GSPFA status was revoked, leaving no Pest Free Areas in NSW.

The whole of NSW is currently a Pest Free Area for the Mediterranean Fruit Fly (Medfly) which is found in Western Australia and has not been detected in NSW since the 1950s.

The Department of Primary Industries and Regional Development (the Department), no longer funds Queensland Fruit Fly management in any production areas as the pest is endemic.

The management of Queensland Fruit Fly is the responsibility of individuals, landholders and the community. Information on current management options is available from Western Local Land Services.

OFFICIAL

The Department undertakes research into the management of existing fruit flies and the prevention and eradication of exotic fruit flies under the National Fruit fly strategy.

Sentinel Medfly traps will be established in Broken Hill in September 2024 to ensure that any incursion is detected, and eradication measures undertaken promptly.

I trust this is of assistance, however, I have asked Ms Bev Zurbo, A/Manager Plant Product Integrity, to be available to answer any further questions you may have. Ms Zurbo can be contacted on 0409 314 894 or by email bev.zurbo@dpi.nsw.gov.au.

Yours sincerely,



Tara Moriarty MLC
Minister for Agriculture
Minister for Regional New South Wales
Minister for Western New South Wales

24/9 /2024

cc. Roy Butler MP, Member for Barwon

From: ElectorateOffice Barwon <ElectorateOffice.Barwon@parliament.nsw.gov.au>
Sent: Friday, 2 August 2024 1:56 PM
Subject: RE: Broken Hill Fruit Fly Zoning

Hi Jessica,

Thank you for providing this information. Roy will make representation on Council's behalf regarding this issue. Please be advised a response from the Minister could take up to 8 weeks.

I will be in touch as soon as a response is received, please do not hesitate to contact me should you require assistance in the meantime.

Kind Regards,
Grace.



Electorate Officer – Broken Hill
Office of Roy Butler MP, Member for Barwon
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W www.roybutler.com.au

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ROY BUTLER^{MP}
INDEPENDENT MEMBER FOR BARWON

BROKEN HILL 1/142 ARGENT STREET PH (08) 8087 3315	COBAR 11 BARTON STREET PH (02) 6836 3722	NARRABRI 60 MAITLAND STREET PH (02) 6792 1422
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barwon@parliament.nsw.gov.au

www.roybutler.com.au [@Butler4Barwon](https://www.facebook.com/Butler4Barwon) [@roy_butler_4_barwon](https://www.instagram.com/roy_butler_4_barwon)

ORDINARY MEETING OF THE COUNCIL

September 6, 2024

ITEM 6BROKEN HILL CITY COUNCIL REPORT NO. 153/24

SUBJECT: OFFICE OF LOCAL GOVERNMENT COUNCILLOR CONDUCT
AND MEETING PRACTICE REVIEW D24/43992

Recommendation

1. That Broken Hill City Council Report No. 153/24 dated September 6, 2024, be received.
2. That the Office of Local Government Discussion Paper – Councillor Conduct Framework, be received.
3. That it be noted that a Councillor Workshop was held on Wednesday 23 October 2024 for Councillors to consider the Office of Local Government Discussion Paper – Councillor Conduct and Meeting Practices.
4. That Council endorses the draft submission to the Office of Local Government (attached to the report), and that Council forwards its submission prior to the deadline of 15 November 2024.

Executive Summary:

The Office of Local Government (OLG) have released a Council Circular 24/17 – Councillor Conduct and Meeting Practices – A Discussion Paper, on 5 September 2024.

NSW Councils are requested to review the discussion paper and provide any submissions regarding the Discussion Paper to the OLG by 15 November 2024.

A Councillor Workshop was held on Wednesday 23 October 2024 and all Councillors were unanimous in their strong support of the OLG's proposed amendments to the Model Code of Conduct for NSW Councils and the Model Code of Meeting Practice for NSW Councils.

Attached to this report is a draft submission presented to Council for endorsement for forwarding to OLG prior to the submission deadline of 15 November 2024.

Report:

Pursuant to the *Local Government Act 1993 Chapter 12 Part 2 and Chapter 14 Part 1*, Councils must adopt a Code of Meeting Practice and a Code of Conduct that incorporate the provisions of the OLG Model Code of Meeting Practice and Model Code of Conduct.

For each Model Code, a Council must, within 12 months after each Ordinary Election, review and adopt its Code Policies (which must be consistent with the mandatory provisions of the OLG Model Codes and the *Local Government Act 1993*) and make adjustments as it considers appropriate and as are consistent with these Parts of the *Local Government Act 1993* (the Act).

At the Extraordinary Council Meeting held 9 October 2024, being the first Meeting of the new Term of Council, Council is adopted its current Code of Meeting Practice Policy (with an amendment to the Policy to rename the three Standing Committee Meetings) and its current Code of Conduct Policy (and the current Procedures for the Administration of the Code of Conduct Policy) to endorse their provisions in order that Council complies with the Act during the period of the OLG's consultation with Councils on the Councillor Conduct Framework Review.

The aim of the OLG's Review of the Councillor Conduct Framework is to facilitate and support local decision making.

The Key Points of the OLG Discussion Paper are:

- Strong and thriving communities need effective local government.
- The Councillor Conduct Framework is under review to ensure that it delivers on the need for transparency and ensures that Councillors are visibly in control of their Councils.
- Councillors should act fairly, ethically and without bias in the interests of the local community. They should be responsible employers and provide a consultative and supportive working environment for staff.
- It is intended that the revised Councillor Conduct Framework will be based on the following principles of change:
 - Council leadership and decision making is paramount
 - Freedom of speech is fundamental
 - Transparency and accountability are maintained
 - Issues are dealt with at the most immediate or local level
 - A strong and proportionate local government regulator
 - Justice is timely and proportionate
 - Significant penalties should only be imposed by a judicial or quasi-judicial body.

A copy of the OLG Circular to Councils and the OLG Discussion Paper – Councillor Conduct and Meeting Practices is attached to this report.

It should be noted that due to the proximity of the closing date for submissions, a Councillor Workshop was held on Wednesday 23 October 2024 for Councillors to discuss the proposed changes to the Model Codes and for Councillors to formulate a submission to the Review (if required).

All Councillors present at the Workshop were unanimous in their strong support of the proposed amendments to the Model Codes and a draft submission outlining Council's support is attached to this report for the purpose of endorsement by Council prior to submission to the Office of Local Government.

Also attached to this report is a copy of the OLG Circular and the OLG Discussion Paper – Councillor Conduct and Meeting Practices.

Community Engagement:

Not applicable at this stage.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993, Chapter 12 Part 2 and Chapter 14 Part 1
Local Government (General) Regulation 2021 Part 8 and Part 10

Financial Implications:

Nil

Attachments

1. [↓](#) OLG Circular to Councils No. 24-17
2. [↓](#) OLG Discussion Paper - Councillor Conduct and Meeting Practices
3. [↓](#) Draft submission to OLG re Councillor conduct and meeting practices review

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

Department of Planning, Housing and Infrastructure
Office of Local Government



Circular to Councils

Subject/title	Councillor conduct and meeting practices – a discussion paper
Circular Details	24-17 / 05 September 2024 / A913035
Who should read this	Councillors / General Managers / All council staff
Contact	Strategic Policy Unit / 02 4428 4100 / councillorconduct@olg.nsw.gov.au
Action required	Response to OLG

What's new or changing?

- The Councillor Conduct Framework is under review with the aim to facilitate and support local decision making.
- The Councillor conduct and meeting practices – A new framework discussion paper (discussion paper) has been prepared to seek the views of the community, key stakeholders, and the local government sector about the proposed changes.

What will this mean for council?

- The general public, councils, individual councillors and council staff, are encouraged to make written submissions in response to the discussion paper.
- The discussion paper provides information about how to make a submission.
- Submissions should be made by **15 November 2024**.

Key points

- Strong and thriving communities need effective local government.
- The Councillor Conduct Framework is under review to ensure that it delivers on the need for transparency and ensures that councillors are visibly in control of their councils.

T 02 4428 4100 TTY 02 4428 4209, E olg@olg.nsw.gov.au
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www.olg.nsw.gov.au



- Councillors should act fairly, ethically and without bias in the interests of the local community. They should be responsible employers and provide a consultative and supportive working environment for staff.
- It is intended that the revised Councillor Conduct Framework will be based on the following principles of change:
 - council leadership and decision making is paramount
 - freedom of speech is fundamental
 - transparency and accountability are maintained
 - issues are dealt with at the most immediate or local level
 - a strong and proportionate local government regulator
 - justice is timely and proportionate
 - significant penalties should only be imposed by a judicial or quasi-judicial body.

Where to go for further information

- A copy of the discussion paper and information about how to provide feedback is available on OLG's website [here](#).
- For further information about the Councillor Conduct Framework review, please contact OLG's Strategic Policy Unit on 02 4428 4100 or by email at councillorconduct@olg.nsw.gov.au.

Brett Whitworth
Deputy Secretary
Office of Local Government

Office of Local Government



Councillor conduct and meeting practices

A new framework

September 2024

olg.nsw.gov.au



Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au

Councillor conduct and meeting practices

First published: September 2024

More information

Office of Local Government

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The need for change –returning local democracy to councils

Strong and thriving communities need effective local government. No other level of government is as close to the issues and people.

Effective local government comes when councillors are visibly in control of their councils. How councillors act and how appropriately and transparently decisions are made at meetings is critical in demonstrating to the community that their elected representatives understand the consequences of their decisions, and then make the best possible decisions they can for their community as a whole.

Unfortunately, the existing councillor conduct framework is not delivering on the need for transparency or the necessary degree of respect in the community for the role that councillors have.

Closed council briefing sessions are being used to make decisions away from the public view. Council debates on issues are too often personal slanging matches, rather than forums for robust but respectful discussions on what is best for the community.

Similarly, we have seen a growth in the number of complaints, often over trivial issues. Data from the Office of Local Government (OLG) has shown there has been 4289 complaints over the last 3 years (2020/21 to 2022/23) through the code of conduct process. Overall:

- 420 were referred for preliminary enquiries and then discontinued
- 136 were investigated as potential pecuniary interest matters
- 102 were investigated as potential misconduct (not pecuniary interest)
- 36 related to public interest disclosures, and
- 2 related to political donations

But of these thousands of complaints, in the years since 2020/21 OLG has:

- taken action against 14 councillors by way of a suspension or reprimand
- referred 4 councillors to the NSW Civil and Administrative Tribunal (NCAT) for misconduct, and
- disqualified and dismissed one councillor on the basis of Independent Commission Against Corruption (ICAC) recommendations

The volume of frivolous complaints is crowding out the ability of the OLG and the sector to adequately deal with councillors who abuse their office or cause serious governance problems. It is critical the framework that governs both the behaviour and meeting practices of councillors ensures the community can observe and comment on the behaviour of councillors, instead of inhibiting the operation and function of local democracy.

The weaknesses of existing frameworks

The simple, but compelling premise is local councils should be accountable to their community with council staff being accountable to their councillors, through the General Manager. The best way to achieve this aim is for councils to provide strong and effective representation, leadership, planning and decision making. Unfortunately, this simple concept has been lost.

How councillors behave, how they deliberate and the responsibilities they hold should be modelled on how members of Parliament are expected to behave and act. As the governing body, councillors should act fairly, ethically and without bias in the interests of the local community, and they should be responsible employers and provide a consultative and supportive working environment for staff. A criticism made about the current framework for councillor conduct or meeting practices is that they do not reflect local government's status as an independent third tier of government: it allows an unelected State Government official to determine penalties and guilt thus undermining the status of local government.

While most local councils and local councillors do the right thing with the best intent, there are some councillors who are not so motivated. In these cases, the current councillor behavioural framework, as implemented in NSW, does not facilitate the best outcomes or resolve issues.

In relation to complaint management, it is not considered acceptable to create better complaint management pathways for the processing of code of conduct complaints. The current code of conduct simply enables too many complaints about councillors, all too often for political or vexatious reasons.

It is for this reason that the Government has embarked upon a new approach that refocuses the limited resources of the State on those concerns that matter most: serious misbehaviours and attempts by councillors to enrich themselves through their office.

Weaknesses of the current framework include:

- The councillor conduct framework distracts from, rather than enhances, robust democratic debate. Complaints are weaponised for political reasons, or to silence dissent from other elected representatives.
- Councillors and community members report dissatisfaction with the process for resolving code of conduct complaints – being expensive, overly legal, prone to political sparring and not timely, with average timeframes exceeding 12 months and more than 24 months if they are then referred to OLG for further investigation.
- Issues are not being addressed and resolved at the local level – instead complaints are escalated unnecessarily to the State Government to resolve because of the view that public censure from the local council is not a 'strong enough' punishment.
- Communities and councillors report that council decision making is not transparent – with decisions being seen as made behind closed doors, information not being provided or withheld, too much use of closed to the public briefings or councils going into closed sessions for no adequate rationale.
- Bad councillor behaviour is not considered to have been addressed quickly enough and when sanctions are imposed it is too late or of little consequence.
- There is a lack of clarity around OLG's role as the sector regulator – taking too long to resolve matters and not focussing on the important financial and government concerns in the sector, instead spending time focussed on individual councillor behaviour.
- OLG reports challenges in relying on the reports of council conduct reviewers – investigations into councillors need to be done afresh, the process is cumbersome with multiple feedback loops and serious sanctions can only come from suspensions handed down by NCAT.

With so much focus on the bad behaviour of a limited number of councillors there is not enough attention given to the good work that councillors do. The role of a councillor is a noble public service, and the local government behavioural framework should support those who seek to do the right thing and punish those that are not so motivated.

Options for a better approach

Improving the councillor conduct framework and the meeting practices of councils can be achieved but will require changes to the Local Government Act 1993 (the Local Government Act), as well as updating the various regulations, codes and policies that apply. Some of the work to update the regulations and codes can be done quickly, while others requiring legislative change will take some time.

This paper provides an overview of the proposed new approach to both the councillor conduct framework and meeting practices. The proposals are to:

- Make OLG directly responsible for dealing with pecuniary interest and significant non-pecuniary conflicts of interest, with sanctions (suspensions and loss of pay) being determined by an appropriate tribunal or body,
- Refer behavioural based concerns about councillor conduct to a State-wide panel of experienced councillors to judge their peers,
- Reset the code of conduct to be similar to Parliamentary Codes, making it clear the expected patterns of councillor behaviour,
- Ensure the community can observe local democratic processes by banning closed to the public briefing sessions, while at the same time restoring the dignity and prestige of the council chamber.

These changes are only proposed for councillors and there is no change proposed for the code of conduct for Local Government staff. Feedback from stakeholders is that the existing code of conduct of staff remains fit for purpose and is largely effective.

Seeking your views

This discussion paper has been prepared to seek the views of the community, key stakeholders and the local government sector about the proposed changes.

Submissions will be accepted to **COB Friday 15 November 2024**.

All input received through this consultation process **may be made publicly available**. Please let us know in your submission if you **do not want** your name and personal details published.

As part of the consultation process, we may need to share your information with people outside OLG, including other public authorities and government agencies. We may also use your email to send you notifications about further feedback opportunities or the outcome of the consultation.

There may also be circumstances when OLG is required by law to release information (for example, in accordance with the requirements of the Government Information (Public Access) Act 2009). There is a privacy policy located on OLG's website that explains how some data is automatically collected (such as your internet protocol (IP) address) whenever you visit OLG's website. The link to that policy is <https://www.olg.nsw.gov.au/about-us/privacy-policy/>.

Further information about how to make a submission is provided at section 7 of this paper.

What are the principles of change?

In preparing the proposed reforms the following principles have guided the discussion and the intent of the changes:

- **Council leadership and decision making is paramount** – it is critical that the sector, as the third tier of government, is given independence to make decisions in the best interests of the community
- **Freedom of speech** – as elected officials, councillors have the constitutional right and democratic responsibility to speak freely about issues affecting their local community and to advocate for the interests of that community
- **Transparency and accountability** – as a democracy councils need to hear, consider and debate issues in an open manner
- **Significant penalties should only be imposed by a judicial or quasi-judicial body** – to ensure procedural fairness and thorough testing of allegations, significant penalties should be given by bodies such as the NSW Civil and Administrative Tribunal
- **A strong and proportionate local government regulator** – the role of OLG should be to create the framework for local government, ensure councils, joint organisations (JOs), and county councils have the capacity to operate within the framework so that the regulator intervenes as rarely as needed
- **Subsidiarity** – decisions are made at the level closest to those impacted by those decisions
- **Justice is timely and proportionate** – where allegations are made, they should be heard, tested and dealt with as quickly as possible.

Question

Are we missing anything in the principles of change?

Potential changes to the code of conduct and oath of office

The key proposed reform for the councillor behavioural framework is to move to a streamlined, aspirational Code of Conduct. This is equivalent to the Code of Conduct framework for NSW Members of Parliament available [here](#) and [here](#).

The aspirational Code of Conduct would clearly and succinctly outline the behavioural expectations of local councillors (approximately 2-3 pages) in easy-to-understand language. It would then be supported by a clearer framework and definitions for misbehaviour of elected officials.

The aspirational Code of Conduct would not set out the definitions of misbehaviour as these would be legislated as explained in later sections of this discussion paper.

Separating the behavioural expectations in a Code of Conduct from definitions of misbehaviour reflects a positive approach to councillor behaviour. The separation also recognises that the majority of councillors want to do the right thing and they should have easy access to the standards expected of them.

The revamped Code of Conduct could also be aligned to the Oath of Office for local councillors ensuring that the behavioural standards and expectations are clear and understood when a councillor takes office. The existing framework can make it difficult to understand the behavioural expectations and standards upon councillors.

Importantly, the revamped Code of Conduct will not seek to restrain the ability of a councillor to speak publicly on matters pertaining to their council, even when that councillor is disagreeing with, or being critical of, the decisions of the majority.

It is proposed to make the new Code of Conduct an aspirational code of expected behaviours instead of enforceable for local councillors.

Question

What are the key elements of an aspirational Code of Conduct that should be enshrined?

Question

What are your views about aligning the Oath of Office to the revamped Code of Conduct?

Potential changes to the definitions and assessment of councillor misbehaviour

The current Local Government Act defines councillor misconduct as a breach of the Local Government Act or other regulatory provisions, which includes the Code of Conduct. This means that it is difficult for the average person to understand the definition of misconduct as they need to reference several other regulatory instruments and policy documents to determine what constitutes.

It is proposed in the revised framework that misbehaviour will be more clearly defined and articulated within the Local Government Act, with the reference to regulations and other statutory instruments only for further enunciation or explanation.

These definitions, which are described in later sections would cover:

- Pecuniary conflicts of interests, (for example decisions that financially benefit the councillor or a close associate),
- Significant non-pecuniary conflicts of interests (for example where a councillor participates in a decision and a direct advantage/disadvantage is created for a person or company the councillor is friendly with or associated with), and
- Councillor misbehaviour in public office (for example, poor conduct in meetings leading to exclusion by the Mayor or Chair of the Committee).

This will make clearer to all participants in the local government sector what is considered misbehaviour by a local councillor.

The definitions of misbehaviour do not change the other legislative requirements. Communities, residents, workers and fellow councillors expect their elected officials to act in an appropriate and ethical way, including observing workplace health and safety, environmental and criminal laws. If there is an offence or complaint under these other laws, people should

seek redress from the appropriate regulator including SafeWork, Independent Commission Against Corruption or the NSW Police.

The behavioural standards in the revamped Code of Conduct will reinforce the expectation that councillors are community leaders and therefore exemplars of good behaviour. As community leaders it is also expected councillors will meet legislative obligations. Therefore, misbehaviour only needs to be defined as those issues which go to the nature of councillors as elected officials, being conflicts of interest or misbehaviour in public office.

These are the expectations that are upon councillors because of the public trust that is placed in them as elected officials. In this way it more closely reflects, with appropriate adjustments the framework that applies to other elected officials in other levels of Government.

Conflicts of interest

The first proposed limb of the revised misbehaviour definition is a councillor's failure to manage a conflict of interest.

Management of conflicts of interest is important to ensure that councillors act and are seen to act in the public good, not for private benefit or personal gain. Conflicts of interest arise when there is a conflict, perception or potential of a conflict between an official's private interests and public duty.

The test for pecuniary interests is quite clear as it is an objective test; would a councillor or one of their close associates (spouse, family members), receive a financial benefit as a result of a decision. However, testing whether there is a non-pecuniary conflict of interest is more challenging.

Pecuniary interests

It is proposed to align the definition of pecuniary interests for NSW councillors with those that are utilised and defined for NSW members of parliament, requiring disclosure of the following interests:

- Real property – property in which councillors have an ‘interest’
- Sources of income – all income over \$500 other than salary of office
- Gifts – all gifts of cumulative value of more than \$500
- Contributions to travel – of value of more than \$250 (including flight upgrades)
- Interests and positions in corporations – eg stocks and shares, directorships
- Positions in unions and professional or business organisations
- Debts – of cumulative value of more than \$500, excluding home loans or debts for goods and services disposed of within a year
- Dispositions of property
- Engagement to provide a service involving use of a councillor’s position and
- Discretionary disclosures.

It is proposed that the interests for disclosure by the councillor are similarly extended to the interest of a spouse or de facto partner, relative, or partner or employer, or a company or other body of which the councillor, or their nominee, partner or employer, is a shareholder or member. This extends only to the extent the councillor is aware or should be aware of such interests.

It is proposed there remains an absolute prohibition on a councillor being involved in any matter before council where a pecuniary conflict of interest exists, unless otherwise determined via regulation.

It is also proposed to give extended investigation powers to OLG to investigate and request information on corporate structures such as trust or companies to

determine underlying beneficial ownership and interests.

OLG, as the agency responsible for investigating alleged breaches of pecuniary interests, needs clear powers to compel the production of information and/or records, to ensure that pecuniary interest returns are provided and made publicly available. If there is non-compliance with an OLG direction, which may include the requirement to make a declaration, remedies such as penalty infringement notices (PIN) should be available to ensure cooperation with investigative processes.

Question

Is the proposed pecuniary interest framework appropriate? Is anything missing?

Non-pecuniary interests

A conflict of interest does not necessarily have to be financial in nature. It could also arise from familial or personal relationships, affiliations or memberships. It is equally important that such conflicts are managed appropriately to ensure that decision making is seen to be transparent and remains in the public interest.

An interested and informed observer should be confident a decision made by a councillor is free from bias or a reasonable apprehension of bias. This means that any concerns about a potentially significant conflict of interest should be declared and appropriately managed.

The nature and breadth of non-pecuniary interests naturally means that the framework for management of such interests is more nuanced, with the management approach often dependent upon the individual circumstances of the case.

It is also important to recognise that councillors, as representatives of their community, reside within their community, so memberships of clubs, congregational

memberships etc should not automatically be seen as conflicts of interest.

If a decision of a councillor directly advantages (or disadvantages) a particular individual or organisation the councillor is friendly with or associates with, then that can be a conflict that should be publicly declared, if the councillor considered it of minor consequence, it wasn't controversial, or the councillor did not hold the casting vote.

Alternatively, if a decision of a councillor directly advantages (or disadvantages) a particular individual or organisation the councillor is friendly with or associates with, then that can be a conflict requiring the councillor to recuse themselves from being involved in the decision-making process if there was a major advantage or disadvantage (or potential for), if it was controversial or the vote of the councillor was critical.

The appropriate test for whether a non-pecuniary interest should be declared is based on an objective test, not in the mind of the individual who is subject to the conflict of interest. The test is whether a reasonable and informed person would perceive that the councillor could be influenced by a private interest when carrying out their official functions in relation to a matter.

Whether the councillor abstains themselves from a decision, or decides to participate, the continued and timely disclosure of interests is critical. Disclosure ensures the community is aware of any potential conflicts and how the councillor is managing and responding to the issue.

Councillors should remain as vigilant about disclosure of non-pecuniary interests as they are about pecuniary interests.

Question

Do you agree with the principles of what constitutes a significant or major non-pecuniary interest?

Property developers and real estate agents

The NSW Government has made a commitment to ensure the conflicts of interest that exist between a councillors' public duties to make decisions on behalf of communities and the private interests that exist in securing a profit as a developer or real estate agent are addressed. A simple change to ban developers or real estate agents from being councillors is not possible as it infringes the right to political free speech implied by the Australian Constitution.

Ordinarily conflicts of interest are managed through declarations and withdrawing from decision making. However, in the case of property development and real estate interests, where so much of what a council does is related to land and the potential for speculation in the changes of land value arising from planning, development and infrastructure decisions, it can be impossible to isolate the precise interests that would drive a councillor's decision.

Without some way of managing these conflicts, the community confidence that planning, development and infrastructure decisions are taken transparently in the public interest will erode. Given the importance of planning, development and infrastructure decisions to resolving the housing crisis, driving the move to net zero through the electrification of the economy and building community resilience to disasters, it is critical to restore confidence.

To address this concern, an alternative means of managing the inherent conflict of councillors undertaking real estate and development business activity is being considered which involves requiring councillors to divest themselves from real estate or development business activities and contractual obligations.

Legislation is being drafted that will:

- identify how developers and real estate agents are identified,
- create the obligation to divest and not enter into real estate or development business arrangements through contracts,
- establish the penalties, including disqualification, where a councillor engages in contractual arrangements with real estate agents or developers,
- ensure there are exemptions so councillors can buy and sell their own property using a real estate agent, and
- create transitional arrangements for the introduction of the new obligations.

Question

Are there any other specific features that should be included to address concerns about councillors undertaking real estate and development business activities?

Councillor misbehaviour in public office

The third proposed component of a revised definition of misconduct is misbehaviour in public office.

Misbehaviour in public office would cover behaviour which is inconsistent or outside of the norms of behaviour expected from a councillor, particularly given their role as a community leader. Given the discussion is about behaviour rather than action, there is a much greater degree of interpretation, and it is appropriate that councillors judge their fellow councillors on whether they could be considered to have misbehaved.

There would be three limbs to this proposed misbehaviour definition being conduct that:

- Is unbecoming of a councillor
- Brings council into disrepute; and/or
- Is assessed as being outside the norms and expectations of a sitting councillor.

The first two tests of this framework are established legal concepts with existing case law and precedents.

Unbecoming conduct means behaviour more serious than slight, and of a material and pronounced character. It means conduct morally unfitting and unworthy, rather than merely inappropriate or unsuitable, misbehaviour which is more than opposed to good taste or propriety. Conduct unbecoming refers to the conduct that is contrary to the public interests, or which harms his/her standing of the profession in the eyes of the public. Examples can be referenced in *Oei v The Australian Golf Club [2016] NSWSC 846*.

To bring something into disrepute is to lower the reputation of the profession or organisation in the eyes of ordinary members of the public to a significant extent. It is a higher threshold than the test of bringing an individual into disrepute - (*Zubkov v FINA (2007) CAS 2007/A/1291*).

The third limb of the misbehaviour definition allows consideration of behaviours and actions of a sitting councillor which are considered egregious or problematic that are otherwise not captured by the other elements of the definitions.

As this is a test of appropriate behaviour, the determination of whether the misbehaviour occurred would be undertaken by the peers of the councillor. This would involve the formation of an 'Local Government Privileges Committee' (Privileges Committee) of senior and experienced mayors and ex-mayors from across NSW to meet and assess the complaints made against councillors. The Privileges Committee would be supported by OLG, but decisions would be made by the mayors or ex-mayors on the Privileges Committee who would draw on their expertise as mayors, as well as having served at least two council terms as a councillor.

There would also be an opportunity to apply these principles to poor behaviour in meetings, particularly where a councillor has failed to comply with the directions given by the mayor or Privileges Committee Chair.

Question

Is this the appropriate threshold to face a Privileges Committee?

Question

How else can complaints be minimised?

Addressing inappropriate lobbying

A number of investigations by the Independent Commission Against Corruption (ICAC) has led to recommendations to put in place measures to address concerns about lobbying of councillors. ICAC has been concerned about councillors having relationships with development applicants that pose a conflict of interest, concerns with councillors meeting with development applicants in private settings to discuss their applications, and concerns about councillors receiving gifts and inducements as part of lobbying activities to improperly influence council decision-making.

Lobbying is an important feature of democratic representative government, and all councillors get lobbied by residents, businesses and community groups. However, inappropriate lobbying that isn't declared presents certain risks and can lead to corrupt behaviour or improper decision-making. On the recommendation of ICAC to address these risks, OLG is developing lobbying guidelines and a model policy on lobbying for councils to adopt that will:

- address how professional lobbyists are identified and the obligations on councils and councillors if they met a professional lobbyist,
- set out inappropriate behaviours when being lobbied,
- identify steps to be taken to ensure transparency,
- require council officials to report inappropriate or corrupt lobbying behaviours to the councils general manager.

The development of lobbying guidelines and a model policy on lobbying will ensure councillors and councils understand these risks and have effective controls in place to address them.

Question

What key features should be included in lobbying guidelines and a model policy?

Dispute resolution and penalty framework

Consistent with the principles outlined earlier, it is proposed that there be a significant change to the dispute resolution and penalties framework for misbehaviour.

While the overall intent is to reduce the weaponisation of the complaints process and reduce the number of complaints, there is also a need for more timely resolution of matters and ensure that the limited investigation and regulator resources are directed to the more significant misbehaviour matters.

There is also an opportunity to bring the dispute resolution framework more into line with that used in other levels of government.

The approach being proposed is to create clear separation between the process for consideration of conflicts of interest and the processes for consideration of misbehaviour. This has the benefit of removing general managers from being central to the complaint process.

Under the reforms, the investigation of serious conflicts of interest would be put entirely into the hands of OLG. The approach also removes the existing 'two step' process of referrals to conduct reviewers and then OLG.

There would be no investigations of misbehaviour, instead councillors would be required to demonstrate to their peers why their actions, which may have led to the complaint, were appropriate to the circumstances.

To implement these new approaches, changes to the systems and structures of investigation and complaints handling are needed.

Abolishing the 'two step process'

The existing process for complaints is set out in the Procedures for the Administration of the Model Code of Conduct.

In simple terms, the complaint process involves the general manager or the mayor receiving a complaint, determining whether the complaint is valid and referring the matter to a complaints coordinator within the council, who will in turn appoint an external conduct reviewer. Once the conduct reviewer investigates the issue, interviews the complainant and the subject of the complaint, as well as any other relevant people, provides a report to the council and the council makes a decision, many months can pass.

As it currently stands, if OLG, receives a referral following the council consideration of a complaint, they are then expected to rely on the investigation report of the conduct reviewer to make an assessment. However, investigation reports prepared by conduct reviewers may satisfy the evidentiary standard required for a councillor to be censured but may not satisfy the higher evidentiary standard required to support disciplinary action under the misbehaviour provisions under the Local Government Act, such as suspension or disqualification. OLG's experience is that rarely can it rely on these reports and must instead recommence an investigation process if it decides to pursue the matter.

Instead of this existing two-step process:

- Complaints about conflict of interest matters would be made directly to OLG, and
- Complaints about misbehaviour would be made directly to the Local Government Privileges Committee via a dedicated webform.

Under the proposed approach, there would be no role for privately hired investigators to determine whether the Code of Conduct has been breached.

Giving OLG the power to issue penalty infringement notices

In order to ensure information is provided to OLG more effectively, it is proposed to enable OLG the discretion to issue penalty infringement notices (PINs) for minor or insignificant breaches of the conflicts of interest declarations. The PINs would be primarily utilised in circumstances where the breach is considered minor or administrative in nature – for example an inadvertent failure to lodge a return of interests.

This change to PINs is designed to allow a quick process for dealing with minor matters to free up limited regulatory resources while still ensuring that sanction for important matters is provided.

Like all other PIN provisions in other NSW legislations there would be the ability for the PIN to be appealed or special circumstances to be considered. Where the breach was considered more serious in nature then it can be referred to an appropriate tribunal or body for more significant punishment.

Question

What level of PIN is appropriate?

NSW Local Government Privileges Committee

Along with the PIN framework, it is also proposed to create a Local Government Privileges Committee (Privileges Committee) to examine all allegations of misbehaviour in public office. This would replace the existing code of conduct review framework and instead aim to provide a speedy process for resolution and assessment of behavioural complaints against councillors. It also allows for the sector to better govern itself. The Privileges Committee would only examine issues of misbehaviour, not conflicts of interest.

The Privileges Committee would be made up by a group of experienced mayors and ex-mayors from across NSW to ensure that a variety of perspectives and experiences are considered. The Privileges Committee would be supported by a small Secretariat from OLG who could be delegated the power by the Privileges Committee to dismiss matters that are vexatious, trivial, where the Privileges Committee lacks jurisdiction, or where there is an alternative remedy available.

The Privileges Committee process would be paid for by either individual councillors or their councils, dependent on the outcome.

Penalties that could be imposed by the Privileges Committee are as follows:

- Censure of the councillor
- Warning of the councillor
- Where referred following misbehaviour in a council meeting, a potential loss of sitting fees
- Referral to an appropriate tribunal or body for more serious sanction, including suspension or disallowance.

As noted above if the breach is deemed serious then the Privileges Committee would have the power to refer a matter to the OLG for preparation of a brief for an appropriate tribunal or body.

Question

Are the penalties proposed appropriate, and are there any further penalties that should be considered?

Referral of significant sanctions to appropriate tribunal or body

Under the existing processes for consideration of complaints, OLG, in particular the Departmental Chief Executive (or their delegate), can suspend a councillor for between 1-3 months with a consequential loss of sitting fees. This creates the situation where a public servant is sitting in judgement on an elected official. Where a greater suspension is appropriate, the Departmental Chief Executive may refer the matter to an appropriate tribunal or body.

To remedy the concerns about whether it is appropriate for an unelected official to stand in judgment on an elected councillor, it is proposed that any significant sanction, such as suspension, significant fine or disqualification from office, can only be undertaken by an appropriate tribunal or body.

This reduces the existing power of the Departmental Chief Executive to impose penalties. It reflects the principle that significant sanctions, including suspension, should only be imposed by a judicial or quasi-judicial body. It also removes the dual roles of the head of OLG, meaning OLG's focus is on preparing the brief of evidence for consideration by the appropriate tribunal or body.

The role of the appropriate tribunal or body would therefore be to look at all serious misconduct matters that have either been referred by the Privileges Committee, appeals from PINs or referrals of conflict of interest matters from the OLG.

Question

Are the existing sanctions available under the Local Government Act sufficient?

Question

Should decisions on sanctions for councillors be made by the Departmental Chief Executive or a formal tribunal with independent arbitrators and a hearing structure?

Restoring dignity to council meetings

A council chamber is a chamber of democracy, and the mayor as figurehead represents the authority of that council.

Unfortunately, many council meetings are conducted without the appropriate level of dignity or reverence for tradition that suggests the importance of the debate and the need for civility. Councillors are not expected to agree with each other, in fact debate is encouraged, but the debate should be fair and respectful.

A council meeting, and the council chamber itself, should see meetings conducted with dignity. Unfortunately, there are too many examples where the dignity of council meetings has been lost, either because councillors are not appropriately reverential and respectful, or the manner of debate is lowered by inappropriate chamber design or meeting practices.

Proposed reforms to the Model Code of Meeting Practice

To restore the prestige and dignity of the council chamber reforms to the meeting code of practice are being developed to support the mayor in exercising their statutory responsibility to preside at meetings and to ensure meetings are conducted in an orderly and dignified manner.

The proposed reforms will confer the power on mayors to expel councillors for acts of disorder and to remove the councillor's entitlement to receive a fee for the month in which they have been expelled from a meeting.

As a further deterrent against disorderly conduct, councillors will also be required to apologise for an act of disorder at the meeting at which it occurs and, if they fail to comply at that meeting, at each subsequent meeting until they comply. Each failure to apologise becomes an act of misbehaviour and will see the councillor lose their entitlement to receive their fee for a further month.

To provide a check against misuse of the power of expulsion and subsequent loss of entitlement of a fee, councillors will be entitled to a right of review.

Councillors will also be expected to stand, where able to do so, when addressing a meeting and when the mayor enters the chamber.

The proposed reforms will also expand the grounds for mayors to expel members of the public from the chamber for acts of disorder and enable the issuing of a PIN where members of the public refuse to leave a meeting after being expelled.

Question

Are there any other powers that need to be granted to the mayor or chair of the relevant meeting to deal with disorderly behaviour?

Banning briefing sessions

A practice has recently developed in local government where councillors receive briefings from staff that are closed to the public.

As an example, development applications should be considered in the public domain. However, councillors receive private briefings from the council planners before they are dealt with in the public forum of a council or committee meeting. Consequently, members of the public impacted by the council's decision have no idea what the councillors have been told or what has been discussed.

To promote transparency and address the corruption risks identified by the Independent Commission Against Corruption (ICAC) that can arise from a lack of transparency, it is proposed that councils will no longer be permitted to hold pre-meeting briefing sessions in the absence of the public.

Any material provided to councillors, other than the mayor, that will affect or impact or be taken into account by councillors in their deliberations or decisions made on behalf of the community must be provided to them in either a committee meeting or council meeting. This restriction will not apply to mayors. As the leader of the organisation, the mayor needs to have candid conversations with the general manager outside of formal meetings.

To further promote transparency, the proposed reforms will also extend the period that recordings of council and committee meetings must be maintained on a council's website.

Question

Are there any other measures needed to improve transparency in councillor deliberations and decision making?

How to provide feedback?

This discussion paper has been released through the Office of Local Government's communication channels and on the Government's Have your Say Website.

You can make submissions on this proposed framework by **COB Friday 15 November 2024**. Further information is available on OLG website at <https://www.olg.nsw.gov.au/councils/misconduct-and-intervention/councillor-conduct-framework/>.

Submissions can be made online here - <https://www.olg.nsw.gov.au/councils/misconduct-and-intervention/councillor-conduct-framework/>

OR

in writing to: councillorconduct@olg.nsw.gov.au

OR

Locked Bag 3015 NOWRA NSW 2541

Submissions must be clearly labelled "Councillor Conduct Framework Review"

Please direct any inquiries to the OLG's Strategic Policy Unit at councillorconduct@olg.nsw.gov.au or on (02) 4428 4100.

Next Steps

Feedback from this consultation process will be carefully analysed and incorporated to finalise the revised councillor conduct framework.

OLG will then look to finalise necessary draft legislation, regulations and materials for implementation of the revised model over the coming year. Consultation will continue with the local government on the implementation of the revised framework.

Information about the progress of the Councillor Conduct Framework Review will be available on the [OLG website](#).

Office of Local Government

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Quote No L24/2134 - 11/21
TK:LJB

Telephone / Personal Enquiries
Ask for Mayor Kennedy

xxxx 2024

DRAFT

Office of Local Government
Council Governance Team
5 O'Keefe Avenue
NOWRA NSW 2541
Email: olg@olg.nsw.gov.au

Dear Sir/Madam

Submission - Councillor conduct and meeting practices – a new framework discussion paper

A Councillor Workshop was held on 23 October 2024 to discuss the Office of Local Government's (OLG) Circular to Councils No. 24-17 and the Discussion Paper – Councillor conduct and meeting practices, a new framework.

All Councillors present at the briefing were unanimous in their support of all matters raised in the Discussion Paper and the proposed amendments to the Model Code of Conduct and Model Code of Meeting Practice to ensure effective Local Government.

Councillors welcome the proposed principles of change:

- Council leadership and decision making is paramount.
- Freedom of speech.
- Transparency and accountability.
- Significant penalties should only be imposed by a judicial or quasi-judicial body.
- A strong and proportionate local government regulator.
- Subsidiarity.
- Justice is timely and proportionate.

In particular, Councillors voiced their strong support of the following proposed amendments:

- Strengthening of the Model Code of Conduct to provide clear delineation between trivials, vexacious and complaints of a political nature as opposed to the more serious misconduct of a pecuniary and personal gain nature or a significant non-pecuniary nature. Council also welcomes the introduction of the Privileges Committee as a more streamlined mechanism for the handling and processing of Code of Conduct complaints. This should result in a reduction in time to finalise complaints, removes the General Manager from the process, as well as providing a saving in costs to Council.

Councillors also support the process for more serious Code of Conduct complaints to be referred to a tribunal or body for the more serious sanctions or the suspension of Councillors.

Continued...

- Improving the transparency of Council decision making by removing the option for Councils to hold pre-Council Meeting briefings (usually closed to the public) which will ensure that discussions regarding items of business are held during Standing Committee Meetings and Council Meetings, which are open to the public.
- Allowing Councillors to speak publicly on the decisions of Council and to be able to respectfully voice their views in opposition of a Council decision.
- Reviewing an alternative means of managing the inherent conflict that Councillors undertaking real estate and development business activity may have in development matters that come before Council in a Council Meeting, rather than excluding this sector of the community from nominating as a candidate for Local Government.
- Restoring the prestige and dignity of Council Meetings to support the Mayor to preside over meetings and ensure meetings are held in an orderly and dignified manner.

Council looks forward to hearing the outcome of the Office of Local Government's review of the Model Code of Conduct and the Model Code of Meeting Practice for NSW Councils.

Yours faithfully

TOM KENNEDY
MAYOR

Note: the above submission was endorsed by Council at its Ordinary Meeting held XXXXXXXX, Minute No. XXXX.

- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

Clause 11.2 states “The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year”

In accordance with the requirements, Broken Hill City Council provides the following statistics for the period of 1 September 2023 – 31 August 2024. A copy of this report will be forwarded to NSW OLG, as well as submitted electronically via an excel spreadsheet represented below which has expanded information requirements.

The statistical collection form below is provided to Councils from the Office of Local Government for the purpose outlined in the “Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW”.

OLG will publish this data in the Time Series Data publication and will include the data in the next iteration of the *Your Council* website (<https://www.olg.nsw.gov.au/public/my-local-council/yourcouncil-website>)

Statistics for Code of Conduct investigations in the reporting period 1 September 2023 - 31 August 2024:

Number of Complaints			
1	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct from the following sources:		
	i	Community	1
	ii	Other Councillors	1
	iii	General Manager	0
	iv	Other Council Staff	0
2	The total number of complaints finalised in the period about councillors and the GM under the code of conduct in the following periods:		
	i	3 Months	1
	ii	6 Months	0
	iii	9 Months	0
	iv	12 Months	1
	v	Over 12 months	0
Overview of Complaints and Cost			
3	a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	1
	b	The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	1
	c	The number of code of conduct complaints referred to a conduct reviewer	0
	d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	0
	e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
	f	The number of finalised code of conduct complaints investigated by a conduct reviewer	0
	g	Cost of dealing with code of conduct complaints via preliminary assessment	0
	h	Progressed to full investigation by conduct reviewer	0

	i	The number of finalised complaints investigated where there was found to be no breach	0
	j	The number of finalised complaints investigated where there was found to be a breach	0
	k	The number of complaints referred by the GM or Mayor to another agency or body such as ICAC, the NSW Ombudsman, OLG or Police	
	i	ICAC	0
	ii	NSW Ombudsman	0
	iii	OLG	1
	iv	Police	0
	v	Other Agency	0
	l	The number of complaints being investigated that are not yet finalised	0
	m	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staffing costs	\$1,224
Preliminary Assessment Statistics			
4	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:		
	a	To take no action	0
	b	To resolve the complaint by alternative and appropriate strategies	0
	c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies	0
	d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	0
	e	To investigate the matter	0
	f	Other action	0
Investigation Statistics			
5	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:		
	a	That the council revise its policies or procedures	0
	b	That a person or persons undertake training or other education	0
6	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:		
	a	That the council revise any of its policies or procedures	0
	b	In the case of a breach by the GM, that action be taken under the GM's contract for the breach	0
	c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the <i>Local Government Act 1993</i>	0
	d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the <i>Local Government Act 1993</i> and that the matter be referred to OLG for further action	0
7	Matter referred or resolved after commencement of an investigation		
			0
Categories of Misconduct			
8	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:		
	a	General conduct (Part 3)	1
	b	Non-pecuniary conflict of interest (Part 5)	0
	c	Personal benefit (Part 6)	1
	d	Relationship between council officials (Part 7)	0
	e	Access to information and resources (Part 8)	0

Outcome of Determinations			
9	The number of investigated complaints resulting in a determination that there was a breach in which the council:		
	a	Adopted the independent conduct reviewer’s recommendation	0
	b	Failed to adopt the independent conduct reviewer’s recommendation	0
10	The number of investigated complaints resulting in a determination where:		
	a	The external conduct reviewer’s decision was overturned by OLG	0
	b	Council’s response to the external conduct reviewer’s recommendation was overturned by OLG	0
11	Date Code of Conduct data was presented to council	03/10/2024	

Community Engagement:

The Code of Conduct Complaints Statistics Annual Report 2023/24 will be available in the Business Paper for Council’s Ordinary meeting held 30 October 2024.

Strategic Direction:

Key Direction:	4.	Our Leadership
Objective:	4.1	Openness and transparency of decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

Local Government Act 1993, Section 440 Codes of Conduct.

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020.

Financial Implications:

Costs associated with Code of Conduct complaints are provided for in Council’s operational budget for the relevant year.

Attachments

There are no attachments for this report

RAZIJA NU'MAN
DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL
GENERAL MANAGER

machinery matters are usually considered by Council annually at the September Council Meeting and are also considered at the Ordinary Meeting following each Local Government Election.

Council considered a report regarding the appointment of its Council delegates on S355 Committees and other Committees and Working Groups at its Extraordinary Council Meeting held 9 October 2024. Unfortunately, not all delegate positions were filled and therefore this report is presented to Council in order that the vacant Council delegate positions can be filled to ensure that the Committees and Working Groups can function effectively and efficiently.

Vacant positions remaining on the following Committees/Working Groups:

It is recommended that Councillors nominate to fill the following vacancies that remain on Committees following the Extraordinary Council Meeting held 9 October 2024:

- Finance and Governance Standing Committee (1 vacant position)
- Youth Advisory Committee (1 vacant position)
- Australia Day Advisory Group (1 vacant position)
- Broken Hill Lead Reference Group (1 vacant position)
- Tidy Towns Working Group (1 vacant position)

Chairpersons for the three (3) Standing Committees

This report recommends that Council appoints its Chairpersons for the three Standing Committees (from the Councillor delegates appointed to those Committees).

Councillor Turley's request for appointment to Committees

The General Manager receive an email request from Councillor Turley on 21 October 2024 (see attached) for consideration of appointment to Committees/Working Groups. These Committees/Working Groups gained full membership at the Extraordinary Council Meeting held 9 October 2024. Should Council appoint Councillor Turley to any of these Committees/Working Groups the associated Terms of Reference will be required to be amended to include an additional Councillor Representative. The Committees/Working Groups are:

- Infrastructure and Environment Standing Committee
- Broken Hill Art Gallery Advisory Committee
- Disability Inclusion Action Plan Working Group
- Murray Darling Association Region 4
- Project Steering Group for the Project Consultative Group

Removal of the Library and Cultural Precinct Project Steering Group from the Schedule

The Library and Cultural Precinct Project Steering Group was left on the schedule in error. This Steering Group was merged with the formation of the Project Steering Group for the Project Consultative Group which meet to receive updates on all of Council's major projects including the Library Development and Cultural Precinct Project and as such it is recommended that the Library and Cultural Precinct Project Steering Group be removed from the schedule.

Report:

The *Local Government Act 1993, Section 355* provides that a function of the Council may be exercised:

-
- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
 - (b) by a committee of the council, or
 - (c) partly or jointly by the council and another person or persons, or
 - (d) jointly by the council and another council or councils, or
 - (e) by a delegate of the council.

Following the Council resolution at the 9 October 2024 Extraordinary Council Meeting, Council now has seven (6) Section 355 Asset Committees and four (4) Section 355 Advisory Committees, as follows:

- Alma Oval Community Committee
- Broken Hill Regional Art Gallery Advisory Committee
- ET Lamb Memorial Oval Community Committee
- Memorial Oval Community Committee
- Norm Fox Sportsground Community Committee
- Picton Sportsground Community Committee
- Ageing Well Advisory Committee
- Broken Hill Art Gallery Advisory Committee
- Broken Hill Heritage Advisory Committee
- Youth Advisory Committee

Attachment 1 to this report shows the schedule of S355 Committees and other Committees and internal/external Working Groups of which have Councillor Delegate representation was appointed at the 9 October 2024 Extraordinary Council Meeting, including the number of Councillor delegates required for each Committee and Working Group.

The schedule also shows that there are currently vacancies for Council delegates on the following Committees/Working Groups:

- Infrastructure and Environment Committee (Chairperson)
- Community Development Committee (Chairperson)
- Finance and Governance Committee (Chairperson + 1 Council Delegate)
- Youth Advisory Committee (1 Council Delegate)
- Australia Day Advisory Group (1 Council Delegate)
- Broken Hill Lead Reference Group (1 Council Delegate)
- Tidy Towns Working Group (1 Council Delegate)

Councillors can nominate for the above positions during the Council Meeting. Should any Councillors wishing to nominate for a position not be present at the 30 October 2024 Council Meeting, please ask another Councillor to nominate on your behalf. It is important to obtain full representation on all Committees and Working Groups to ensure they can operate effectively and efficiently.

The Executive Summary advises of nominations received from Councillor Turley on 21 October 2024 plus the removal of a Project Steering Group from the Schedule.

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993 (Section 355)

Financial Implications:

Council’s current Operational Plan includes provision for travel and related expenses for Council delegates to represent Council outside of Broken Hill.

Attachments

1. Schedule of Council Delegates appointed to S355 Committees and other
[↓](#) Committees and Working Groups
2. Councillor Turley request for membership of Committees/Working Groups
[↓](#)

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

COUNCIL DELEGATES TO SECTION 355 COMMITTEES AND OTHER COMMITTEES

OCTOBER 2024 TO SEPTEMBER 2025

STANDING COMMITTEES	
<p>Infrastructure and Environment Mayor 4 x Councillors</p>	<p>Mayor Kennedy Deputy Mayor Hickey Councillor Algate Councillor Gallagher Councillor Byrne</p>
<p>Community Development Mayor 5 x Councillors</p>	<p>Mayor Kennedy Deputy Mayor Hickey Councillor Jewitt Councillor Algate Councillor Chandler Councillor Gillett</p>
<p>Finance and Governance Mayor 5 x Councillors</p>	<p>Mayor Kennedy Councillor Algate Councillor Byrne Councillor Chandler Councillor Boland 1 vacant position</p>
COUNCIL S355 COMMITTEES	
Committee Name	Delegates
<p>Ageing Well Advisory Committee 3 x Councillors</p>	<p>Councillor Gallagher Councillor Jewitt Councillor Algate</p>
<p>Alma Oval Community Committee At least 1 x Councillor</p>	<p>Councillor Boland Councillor Byrne</p>
<p>Broken Hill Heritage Advisory Committee 3 x Councillors</p>	<p>Councillors will not be appointed to this Committee until the Constitution is reviewed and presented to Council</p>
<p>Broken Hill City Art Gallery Advisory Committee 3 x Councillors</p>	<p>Councillor Chandler Councillor Gillett Councillor Boland</p>
<p>ET Lamb Memorial Oval Community Committee At least 1 x Councillor</p>	<p>Councillor Gallagher</p>

Memorial Oval Community Committee At least 1 x Councillor	Councillor Gallagher
Norm Fox Sportsground Community Committee At least 1 x Councillor	Councillor Algate
Picton Sportsground Community Committee At least 1 x Councillor	Councillor Gallagher
Youth Advisory Committee 3 x Councillors	Councillor Jewitt Councillor Chandler 1 vacant position
OTHER COMMITTEES	
Committee Name	Delegates Required
Association of Mining & Energy Related Councils 1 x Councillor	Deputy Mayor Hickey
Australia Day Advisory Group 4 x Councillors	Councillor Gallagher Councillor Byrne Councillor Jewitt 1 vacant position
Australian Floodplains Association Mayor + Alternate	Mayor Kennedy Deputy Mayor Hickey (Alternate)
Australian Mining Cities and Centres Alliance Mayor + Deputy Mayor(Alternate)	Mayor Kennedy Deputy Mayor Hickey (Alternate)
Audit, Risk & Improvement Committee Mayor +all Councillors invited as Observers	Mayor Kennedy Councillor Algate (Observer) All Councillors invited to meetings
Asset Naming Committee 4 x Councillors	Councillor Algate Councillor Chandler Councillor Jewitt Councillor Boland
Broken Hill ClubGRANTS Committee 2 x Councillors	Deputy Mayor Hickey Councillor Gallagher
Broken Hill Education Working Group Mayor, Deputy Mayor + 1 Councillor	Mayor Kennedy Deputy Mayor Hickey Councillor Chandler
Broken Hill Lead Reference Group 1 x Councillor	1 vacant position
Broken Hill Liquor Accord 1 x Councillor	Councillor Gallagher
Broken Hill Traffic Committee 1 x Councillor (Observer only)	Councillor Algate (Observer)

Community Assistance Grants Panel Mayor + 2 Councillors	Mayor Kennedy Councillor Gallagher Councillor Algate
Companion Animals Management Working Group 3 x Councillors	Mayor Kennedy Councillor Gillett Councillor Jewitt
Country Mayor's Association Mayor + Deputy Mayor (Alternate)	Mayor Kennedy Deputy Mayor (Alternate)
Disability Inclusion Action Plan Working Group 2 x Councillors	Councillor Chandler Councillor Gillett
EP O'Neill Memorial Precinct Project Steering Group Mayor, Deputy Mayor plus 1 x Councillor	Mayor Kennedy Deputy Mayor Hickey Councillor Algate
Far West Joint Organisation Mayor and Deputy Mayor	Mayor Kennedy Deputy Mayor Hickey
Fruit Fly Control Awareness Working Group 3 x Councillors	Deputy Mayor Hickey Councillor Chandler Councillor Gillett
Gateway Signage Advisory Committee Mayor, Deputy Mayor plus at least 1 Councillor	Mayor Kennedy Deputy Mayor Hickey Councillor Algate
General Manager's Performance Review Committee Mayor, Deputy Mayor and 3x Councillors	Mayor Kennedy Deputy Mayor Hickey Councillor Algate Councillor Gallagher Councillor Byrne
Library and Cultural Precinct Project Steering Group Mayor and Deputy Mayor	Mayor Kennedy Deputy Mayor Hickey
Menindee Lakes Stakeholder Group 1 x Councillor	Deputy Mayor Hickey
Murray Darling Association Region 4 2 x Councillors	Deputy Mayor Hickey Councillor Gallagher
NSW Public Libraries Association 1 Councillor	Councillor Chandler
Perilya North Mine Community Consultative Committee 1 x Councillor	Deputy Mayor Hickey
Project Steering Group for the Project Consultative Group Mayor, Deputy Mayor and 1 Councillor	Mayor Kennedy Deputy Mayor Hickey Councillor Byrne

Reconciliation Action Plan (RAP) Working Group 3 x Councillors	Councillor Byrne Councillor Gillett Councillor Jewitt
Regional Capitals Australia Mayor and Deputy Mayor	Mayor Kennedy Deputy Mayor Hickey
Regional Cities NSW Mayor and Deputy Mayor	Mayor Kennedy Deputy Mayor Hickey
Silverton Wind Farm Community Consultative Committee 1 x Councillor	Deputy Mayor Hickey
Tidy Towns Working Group 2 x Councillors	Councillor Gallagher 1 vacant position
Western Division Councils 2 x Councillors	Deputy Mayor Hickey Councillor Gallagher
Western NSW Mining and Resource Development Taskforce Mayor	Mayor Kennedy
Volunteer Working Group 4 x Councillors	Deputy Mayor Hickey Councillor Jewitt Councillor Chandler Councillor Boland

QUALITY CONTROL TABLE

Minute No.	Date	Resolution
47650	30/10/2024	Appointment of Delegates to Committees October 2024 to September 2025

Leisa Bartlett

Subject: FW: Cr Turley committess request

From: Darriea Turley <Darriea.Turley@brokenhill.nsw.gov.au>
Sent: Monday, October 21, 2024 3:08 PM
To: Jay Nankivell <Jay.Nankivell@brokenhill.nsw.gov.au>
Subject: Cr Turley committess request

Hello Jay

Can I be considered for the following,
Art Gallery
Infrastructure and environmental
Disability Inclusion Action Plan
Murray Darling Association Region 4
Project and Cultural Project Steering Committee

many thanks

Cr Darriea Turley

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ORDINARY MEETING OF THE COUNCIL

October 23, 2024

BROKEN HILL CITY COUNCIL REPORT NO. 156/24

SUBJECT: AUDIT, RISK AND IMPROVEMENT COMMITTEE - INDEPENDENT MEMBERS APPOINTMENT D24/51115

Recommendation

1. That Broken Hill City Council Report No. 156/24 dated October 23, 2024, be received.
2. That Council resolves to appoint three (3) independent members on the Broken Hill City Council Audit, Risk and Improvement Committee.
3. That Council appoints (Mr Charbel Abouraad) as independent member and Chair of the Broken Hill City Council Audit, Risk and Improvement Committee.
4. That Council reappoints (James Mathers) as an independent member on the Broken Hill City Council Audit, Risk and Improvement Committee.
5. That Council reappoints (Mr Nunzio De Lisio) as an independent member on the Broken Hill City Council Audit, Risk and Improvement Committee.

Executive Summary:

It is a requirement under the *Local Government Act 1993* for Councils to elect an Audit, Risk and Improvement Committee for each new term of Council.

Council's Audit Risk and Improvement Charter as revised in February 2024 notes that the Committee will consist of an independent chairperson and two independent members who have voting rights and one non-voting Councillor, as required under the Local Government (General) Regulation 2021. All committee members must meet the independence and eligibility criteria prescribed under the Local Government (General) Regulation 2021.

Independent members will be appointed for the term of council after which they can be reappointed for one further term.

This report seeks to appoint Mr Charbel Abouraad as independent chair of the committee and to reappoint independent members Mr James Mathers and Mr Nunzio De Lisio for a further term having served on the committee for the previous shortened term of Council.

Clause 428A of the *Local Government Act 1993*, states:

428A Audit, Risk and Improvement Committee

- (1) a Council must appoint an Audit, Risk and Improvement Committee.
- (2) The Committee must keep under review the following aspects of the council's operations:
 - (a) Compliance

- (b) Risk management,
 - (c) Fraud control,
 - (d) Financial management,
 - (e) Governance,
 - (f) Implementation of the strategic plan, delivery program and strategies,
 - (g) Service reviews,
 - (h) Collection of performance measurement data by the council,
 - (i) Any other matters prescribed by the regulations.
- (3) The Committee is also to provide information to the council for the purpose of improving the council's performance of its functions.

Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023

As foreshadowed in circular 22-41, the Local Government (General) Regulation 2022 (the Regulation) has been amended to give statutory force to key elements of the Office of Local Government's (OLG) Guidelines for Risk Management and Internal Audit for Local Government in NSW (the Guidelines). These amendments came into effect 1 July 2024.

Management reviewed the Audit Committee Charter and made the required changes to ensure the Audit, Risk & Improvement Committee Charter includes all aspects of Council's operations that are required to be reviewed by the Committee. The reviewed charter was adopted by Council at the February 2024 ordinary Council meeting.

A key change to the membership requirements of the Committee is that Councillor membership of the Committee is now required to be one non-voting Councillor member who cannot be the mayor.

Independent Chair and Members

Mr Charbel Abouraad is recommended for an independent position on the Audit, Risk and Improvement Committee as he brings strong Local Government experience having served as a Councillor at Broken Hill's Sister City Council, Canterbury-Bankstown from December 2021 to September 2024. Mr. Abouraad has extensive experience in the banking industry and holds degrees in Law and Commerce and is a member of CPA Australia and the Australian Group of Company Directors.

James I Mathers, is recommended to be reappointed to an independent position on the Audit, Risk and Improvement Committee. James Mathers brings a wealth of financial and audit experience being a registered company auditor, Fellow of Institute of Chartered Accountants and holding Directorships of companies with bases in multiple counties. Mr. James I Mathers specialises in Taxation Law, Financial Reporting and Corporate Governance and has previous experience as a member of Audit committees including Broken Hill City Councils Audit risk and Improvement Committee since November 2021. Mr. Mathers has expressed his desire to continue his membership of the Audit Risk and Improvement committee to provide continuity of independent membership.

Nunzio Paul De Lisio is recommended to be reappointed to an independent position due to his extensive experience in private and government organisations, including 8 years in Local Government with Broken Hill City Council. Mr. De Lisio's experience is supported by tertiary and post graduate qualifications which include finance and investment and engineering. Mr. De Lisio has expressed his desire to continue his membership of the Audit Risk and Improvement committee to provide continuity of independent membership.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate within its legal framework

Relevant Legislation:

Section 428A of the Local Government Act 1993

Financial Implications:

A budget item was adopted in the 2024/2025 operational plan for ongoing costs associated with the Audit, Risk and Improvement Committee.

Attachments

There are no attachments for this report

SIMON BROWN
DIRECTOR FINANCE AND COMMERCIAL

JAY NANKIVELL
GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

August 5, 2024

ITEM 10BROKEN HILL CITY COUNCIL REPORT NO. 157/24

SUBJECT: ADOPTION OF THE DRAFT VOLUNTEER MANAGEMENT POLICY
D24/38132

Recommendation

1. That Broken Hill City Council Report No. 157/24 dated August 5, 2024, be received.
2. That Council notes that nil submissions were received during the public exhibition of the Draft Volunteer Management Policy.
3. That Council adopts the Draft Volunteer Management Policy and notes that its adoption will render the current Volunteers Policy obsolete.

Executive Summary:

At the Council Meeting held 31 July 2024, Council resolved (Minute number 47607) that the Draft Volunteer Management Policy be placed on public exhibition for 28 days. The Draft Policy was subsequently placed on public exhibition. Closing 31 August 2024 during which time Council received nil submissions from the public.

Council recognises the benefits and contributions volunteers make to the community in the Broken Hill Local Government Area (LGA). The contribution made by volunteers is highly valued by Council.

Council is committed to creating opportunities for volunteers that are productive, meaningful and of benefit to the community and the volunteer. Council will ensure that all volunteers are treated as equals, receive training where necessary, given appropriate recognition, workplace support and protected through the provision of a safe and healthy workplace.

Council's current Volunteers Policy was last adopted on July 27, 1994, and amended on May 3, 2000, and requires review and updating to bring it into alignment with the current regulations and obligations under the NSW WHS Act 2011 and NSW Local Government Act 1993.

Council currently engages volunteers extensively throughout its organisation and operations to assist in delivering various programs and services: including customer-facing services, as well as via an extensive suite of committees established by Council under section 355 of the Local Government Act 1993.

The number of volunteers engaged by Council is sizeable, with just over 140 volunteers engaged as of June 2023, and the majority of these being Section 355 Committee members.

Council has been on a significant journey over recent years to strengthen its risk culture and effectively identify, mitigate, and treat risks. Recognising the significant risk presented by engaging such a significant number of volunteers to assist in service and program delivery; in 2023, Council commissioned both an internal audit of its Volunteer Management processes and a service review of Section 355 Assets Committees.

Both the final internal audit and service review reports, undertaken by Council's internal audit and service review services providers (OCM and Morrison Low Consultants), identified various risks and highlighted the need for Council to prioritise a comprehensive body of work to improve how it recruits, trains, supervises, supports and retains volunteers.

The updated Volunteers Management Policy has been designed to balance the needs of both Council and its volunteers and seeks to better utilise the current resources Council applies to volunteer management to ensure that Council adequately support its volunteers, discharges its duty of care and helps to mitigate against the substantial consequences for financial, legal and reputational risks attached to engaging volunteers.

The adoption of the Draft Volunteers Management Policy will render the current Volunteers Policy obsolete.

Report:

Organisations across Australia often engage and deploy volunteers in customer-facing roles, under limited supervision. While the social and economic benefits of volunteering have long been recognised; the risks and costs of engaging volunteers have received increasing recognition in recent years.

Council currently engages volunteers extensively throughout its organisation and operations to assist in delivering various programs and services: including customer-facing services at the Broken Hill City Art Gallery, Broken Hill City Library and Broken Hill Visitor Information Centre, as well as via an extensive suite of committees established by Council under section 355 of the Local Government Act 1993.

The number of volunteers engaged by Council is sizeable, with just over 140 volunteers engaged as at June 2023, with the majority of these being Section 355 Committee members.

Council has been on a significant journey over recent years to strengthen its risk culture and effectively identify, mitigate, and treat risks. Recognising the significant risk presented by engaging such a significant number of volunteers to assist in service and program delivery, in early 2023, Council commissioned an internal audit of its Volunteer Management framework and process. This internal audit, undertaken by Council's internal audit services provider, identified various risks and highlighted the need for Council to prioritise a comprehensive body of work to improve how it recruits, trains, supervises, supports and retains volunteers.

Following completion of the Volunteer Management internal audit, Morrison Low Consultants were engaged by Council to undertake a service review of those committees constituted under section 355 of the Local Government Act, with formal delegations under section 377 of the Local Government Act to manage community facilities on Council's behalf ("Section 355 Asset Committees"). Recognising the various risks presented by Council's Section 355 Asset Committees; the objective of the service review was to explore the issues, challenges and risks associated with the model and recommend how best to manage those risks and improve effectiveness and efficiency in service delivery.

As illustrated by a recent incident involving Camden Council (death of an untrained volunteer which led to a SafeWork NSW prosecution and a \$750,000 enforceable undertaking order), the NSW local government sector has learned that the financial, legal and reputational risks attached to engaging volunteers are significant, and the costs – when poorly managed – can be devastating.

Council's Risk team supported by the People & Culture and Corporate Services Teams have undertaken a full review of Council's current policy, framework and procedures in relation to volunteer management over the past 18 months.

The proposed updated policy and its new supporting operational framework have been consulted extensively with key Council staff and is based on both Local Government best practice and a supporting framework that comprises operational procedures which respond

to each of the eight standards in Volunteering Australia’s *National Standards for Volunteer Involvement* (April 2015) listed below:

- Leadership and management
- Commitment to volunteer involvement
- Volunteer roles
- Recruitment and selection
- Support and development
- Workplace safety and wellbeing
- Volunteer recognition
- Quality management and continuous improvement

The updated policy and its supporting new operational Volunteer Management Framework (attached for information) directly respond to a range of findings and recommendation of both the 2023 internal audit and Service Review and will place Council in a strong position to move forward in a structured way to improve its management and support of 140 plus volunteers who currently operate under Council’s authority and thus to whom Council owes a duty of care.

Both the policy and framework have been designed to balance the needs of both Council and its volunteers and seeks to better utilise the current resources Council applies to volunteer management to ensure that Council adequately supports its volunteers, discharges its duty of care and helps to mitigate against the substantial potential consequences for financial, legal and reputational risks attached to engaging volunteers.

At the Council Meeting held 31 July 2024, Council resolved (Minute number 47607) that the Draft Volunteer Management Policy be placed on public exhibition for 28 days. The Draft Policy was subsequently placed on public exhibition closing 31 August 2024 during which time Council received nil submissions from the public.

The draft Volunteer Management Policy is now presented to Council for adoption, rendering the current Volunteer Policy obsolete.

Community Engagement:

The draft amended policy was placed on public exhibition for submissions to be received for a period of 28 days concluding on 31 August 2024 during which time, Council received nil submissions from the public.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

Work Health and Safety Act 2011 (NSW)
 Local Government Act 1993,
 Local Government (General) Regulations 2021
 Section 355 of the *Local Government Act 1993*
 Council’s adopted S355 Asset and Advisory Committee Framework and Constitutions.
 AS/NZS ISO 31000:2018 - Risk Management Principles and guidelines.

Attachments

1. [↓](#) Volunteer Management Framework
2. [↓](#) Draft Volunteer Management Policy

RAZIJA NU'MAN
DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL
GENERAL MANAGER



**VOLUNTEER
MANAGEMENT
FRAMEWORK**



**AUSTRALIA'S FIRST
HERITAGE LISTED CITY**

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1. INTRODUCTION

This Volunteer Management Framework has been developed to support Council employees in the management of volunteers. If you are a volunteer's supervisor or involved with recruiting or supporting volunteers, you are responsible for managing the very valuable resource of a community volunteer.

The more important policies have been provided in full while other sections of the Framework will refer you to the Council documents for more detail on this aspect of managing a volunteer.

Volunteers at Broken Hill City Council are classified as workers and as such all policies and procedures applying to employees apply to your volunteer.

1.1. Background

Council engages volunteers in the delivery of some of its services and programs. To compliment the high-level Volunteer Management Policy, it was recommended that a more comprehensive approach was required across the organisation to engage and manage volunteers effectively and to a high level.

The Volunteer Management Framework has been developed in consultation with key internal stakeholders. The framework demonstrates a clear commitment to support volunteers and is an important reference and resource for volunteer supervisors and Council employees working with volunteers.

1.2. Implementation

Supervisors of volunteers lead and promote a positive culture towards volunteering by undertaking the requirements of this Volunteer Management framework at corporate and program levels.

Volunteer responsibilities are documented in role descriptions, delegation authorities and policies and/or procedures.

Council employees and other approved persons who supervise volunteers ("volunteer supervisors") are provided with training, supervision and resources to effectively undertake their role. Volunteer management responsibilities are incorporated in the Council employee's role description and annual feedback to ensure responsibilities for leading and managing volunteer involvement are defined, supported and reviewed.

1.3. Volunteer Management Framework

To ensure effective and a high-level management of volunteers, the Volunteer Management Framework comprises procedures for each of the eight standards in Volunteering Australia's *National Standards for Volunteer Involvement* (April 2015) listed below:

- Leadership and management
- Commitment to volunteer involvement
- Volunteer roles
- Recruitment and selection
- Support and development
- Workplace safety and wellbeing
- Volunteer recognition
- Quality management and continuous improvement

2. LEADERSHIP AND MANAGEMENT

2.1. Volunteer Management Policy

The Volunteer Management Policy provides you with the detail to support you in leading and managing your volunteers. ([Volunteer Management Policy](#))

2.2. Types of Volunteers

Volunteers are engaged in Council's services and programs and who undertake such activities of their own free will and without monetary reward. The activities undertaken are of benefit to Council and the local community and compliment, but do not replace, the services and programs provided by paid Council employees.

As a general guide Volunteers will work no more than 18 - 20 hours in any one week at a maximum, except for one-off event-based activities.

Although volunteer opportunities are open to people of all ages, there are different insurance provisions based on age (detailed in section 6.3), as well as additional checks that may be required for a volunteer.

All children under 18 years of age must have parental/carer permission to participate in the activity. All activities must be low risk and included in the volunteer management system or be insured through their participating organisation.

Council has categorised their volunteers into four groups:

1. Group 1 - Regular Volunteers
2. Group 2 - Casual Volunteers
3. Group 3 - 355 Asset Committee Volunteer Members
4. Group 4 - 355 Advisory Committee Volunteer Members

2.2.1. Group 1: Regular Volunteers

These volunteers usually would work in areas such as, Art Gallery, Visitors Centre, Library Services, Living Desert, Section 355 Committees and other similar functions. These volunteers work on a roster basis or volunteer on a regular basis. People considering volunteering on a regular basis but wish to just experience the activity initially, need to complete the requirement of a casual volunteer during the trial period, of no more than one month, at which time they will apply to be a regular volunteer.

2.2.2. Group 2: Casual Volunteers

Casual volunteers participate in a one-off event managed by Council, for example a tree planting day, or are social volunteers who do not undertake in formal activities but attend for the social component of volunteering. Children may be permitted to undertake volunteer programs providing they are in the care/supervision of an adult. Typical events are community Tree Planting Day or Clean Up Australia Day.

2.2.3. Group 3: 355 Asset Committee or Community Management Committee Members

Council delegates authority to committees to manage some of Council's facilities or functions. Council has resolved to delegate responsibility currently to seven Community Management Committees.

These Committees are:

- BIU Band Hall Community Committee
- ET Lamb Memorial Oval Community Committee

- Friends of the Flora and Fauna of the Barrier Ranges Community Committee
- Memorial Oval Community Committee
- Norm Fox Sporting Complex Community Committee
- Picton Sportsground Community Committee
- Riddiford Arboretum Community Committee

Volunteer members of these committees are appointed by Council for a period of approximately four (4) years or equal to the term of Council.

2.2.4. Group 4: 355 Advisory Committee members

Council's Advisory Committees (CACs) have been established for a range of purposes, with the intent of providing Council with advice and recommendations, to inform the decisions made by Council.

These Committees are:

- Ageing Well Advisory Committee
- Broken Hill City Art Gallery Advisory Committee
- Broken Hill Heritage Committee
- Youth Advisory Committee

Volunteer members of these committees are appointed by Council for a period of four (4) years or equal to the term of Council.

2.3. Communication and Consultation

Council is committed to a work environment where volunteers are included, informed, consulted and encouraged to provide feedback.

Volunteer supervisors will ensure a communicative and collaborative environment that provides for regular, clear and open communication, which is professional, respectful and mutually beneficial in line with Council's values and Code of Conduct.

Where issues arise, volunteers should be informed and consulted as appropriate. In some instances, involving volunteers in a more collaborative approach may be taken to identify possible solutions.

Volunteers may be given opportunities to participate in and provide input into all relevant review processes and amendments to the Volunteer Management Framework, where changes identified may impact on their role.

The volunteer supervisors are responsible for ensuring volunteer understanding and clarification on any matter relating to communication.

Communication and consultation will occur via informal and/or formal methods, but is not limited to:

- induction, orientation and training
- direct supervision and observations
- toolbox talks
- conversations during volunteering
- feedback on the job
- site meetings
- newsletters
- feedback from customers and fellow volunteers

The volunteer supervisors will communicate with each other as required to share information, provide peer support, identify issues and develop collaborative responses and deliver cross-program promotional initiatives where possible.

To raise the profile of volunteer involvement, Council employees will communicate within Council to reaffirm the work performed by volunteers and their invaluable contributions. This will be also achieved by reporting to the Executive Leadership Team regularly on these activities and contributions.

2.4. Risk Management

Council is committed to providing a safe and healthy working environment for volunteers where risks are identified, assessed and eliminated or controlled. This will be achieved through identifying workplace hazards and implementing appropriate controls to reduce the level of risk to an acceptable level creating a safer, healthier workplace for volunteers.

Council's risk management processes will be applied to ensure the safety and wellbeing of volunteers. (Refer to ERM Framework and Volunteers Induction Handbook)

Volunteer Supervisors will ensure that safe systems of work are developed and volunteers are provided with training prior to work being undertaken by the volunteer.

Volunteers may be given the opportunity to provide input into the development of standard operating procedures (SOP). A SOP is a written procedure detailing the instructions for performing a task and are available on Council's intranet located in the Risk portal.

2.5. Volunteer Attendance Records

Volunteers are required to complete an attendance record each day they are in attendance undertaking volunteer activities.

These attendance records record the volunteer activity for insurance purposes, their time provided to the community, the volunteer hours being contributed and for reporting to the ELT on a regular basis.

2.6. Volunteer Documentation and Records

It is the responsibility of all volunteer supervisors to ensure all documentation relating to individual volunteers or the volunteer program is completed and filed in both Content Manger and provided in full to Risk Team to be uploaded into Vault Safety Management System.

As part of the induction process volunteers will be adequately briefed in how their records will be recorded and stored, in accordance with Council's record management system. At any time, volunteers may seek clarification or advice regarding documentation and recording processes.

2.6.1. Volunteer Personal Records

Council, through the volunteer supervisor, will establish and maintain information personal files electronically for each individual volunteer, upon commencement of volunteering with Council.

Documentation relating to volunteers will include:

- An application form (including contact details, emergency contact number/s and next of kin).
- National Police check and referee reports and Working with Children Check where required.
- Induction and site orientation checklists.
- Compulsory training – eg Code of Conduct.
- Medical information - including fitness for work assessment if required.

- Attendance records.

Other documentation may include:

- statement of attendance.
- supervision and annual feedback documentation.
- optional training.
- volunteer recognition and feedback.
- Grievances.
- counselling or disciplinary issues and actions.

Volunteers may request access to their own personal record from their volunteer supervisor or Council employee, who is responsible for updating and storing personal files.

All information is to be kept confidential according to Council's Privacy Policy.

Information should only be provided to relevant Council employees for the purpose for which it is intended.

3. COMMITMENT TO VOLUNTEER INVOLVEMENT

3.1. Allocation of Resources

The General Manager will approve appropriate levels of resourcing for the effective implementation of Council Volunteer Management, in consultation with the Senior Management Team and relevant managers of volunteers.

Volunteer resources may include, but are not limited to, designated Volunteer supervisors, resources to implement and review the Volunteer Management Framework procedures, resourcing of volunteer roles, professional development and training, volunteer recognition and administrative requirements.

3.2. Volunteer Reimbursement

Volunteers make significant contributions in terms of time, expertise, general personal expenses, and endeavour. Council does not offer compensation or remuneration to volunteers for these contributions.

3.3. Approval and Administration

Where possible, volunteers must seek approval from the supervisor before incurring any costs in relation to the activity or site they volunteer at. The volunteer supervisor will advise the volunteer as to the method of purchase.

Any claims for reimbursement of cost for an approved purchase, must be accompanied by receipts within one month of the expense being incurred and is required to be authorised by the volunteer supervisor.

3.4. Use of Vehicle

It is the volunteer supervisor's responsibility to ensure any volunteer who is required to operate a vehicle as part of their volunteering duties (whether Council owned or not), must provide Council with copy of their driver's licence. If using a private vehicle as part of their volunteer role, the volunteer must provide evidence of their motor vehicle third party and comprehensive insurance details.

Volunteers must be inducted in to and follow the requirements of Council's Motor Vehicle Use Policy (internal).

3.5. Documentation and Storage

All records obtained will be kept confidential and stored in accordance with Council's Records Management System and Vault Safety Management System.

4. VOLUNTEER ROLES

4.1. Volunteer Role Description

A volunteer role description will be developed from all current activities and when a new activity, task or project has been identified as suitable and appropriate to be undertaken by a volunteer.

Volunteer tasks complement existing Council work and do not replace the services provided by paid Council employees. Mutual respect and confidence is encouraged between Council employees and volunteers, with each understanding and appreciating the role and responsibilities of the other.

Volunteer roles will be analysed for risk in accordance with Council's current risk assessment procedures.

All volunteer roles will have an associated role description (Appendix 9.1) detailing all aspects of the role, including, but not limited to the following:

- key areas of responsibility including expectations.
- supervisory and support arrangements.
- lines of accountability and communication.
- hours of volunteering.

The volunteer supervisor is responsible for ensuring role descriptions are developed and current for each volunteer role.

4.2. Role Description Review

Volunteer role descriptions will be defined, documented and communicated and regularly reviewed; this may be as part of the volunteer feedback process and/or upon feedback at the program policy and procedure review.

Where proposed amendments to the role description may change, with input from volunteers and employees, the essential nature of the role including any necessary skills or knowledge, the volunteer supervisor has responsibility to advise whether the role may need to be amended.

The volunteer and supervising Council employees may be consulted in the review process and provided with a copy of the new role description. Concerns or issues are to be raised with the volunteer supervisor and will be addressed in line with Council's Code of Conduct.

If, during a feedback meeting, a need to review the role description is identified, the volunteer supervisor will inform the People and Culture department of the changes.

All volunteer role descriptions and amendments will be stored in Council's Records Management System and Vault Safety Management System.

4.3. Creating a Volunteer Role

In considering the need for a new or additional volunteer role, a role description must first be developed, and a risk assessment completed.

It is important to consider if the duties are those that would be performed by an employee, or if the risk of the role to be performed, is such that an employee needs to complete the duties.

Final approval of a new volunteer role will be by the responsible ELT Manager/Director.

5. RECRUITMENT AND SELECTION

5.1. Volunteer Recruitment

Volunteer applications will be processed in line with recruitment procedures and managed by the People and Culture department.

5.2. Recruitment Strategies

There are several ways Council can actively recruit volunteers, including:

- Volunteers with specific interest, knowledge and skills or attributes relevant to the role and consistent with anti-discrimination legislation, may be approached by the volunteer supervisor or designated Council employees.
- A volunteer role may be advertised with approval of Council and/or from the volunteer supervisor's manager, which may include Council's website, print media and social media.
- People wishing to volunteer may also 'walk in' to volunteer at Council's Customer Service locations.

5.3. Contact Person

The supervisor will be the contact person and has responsibility to advise potential applicants about the role.

5.4. Application Process

- General enquiries will be auto acknowledged by Councils Records Team and then forwarded to the People and Culture department, who is to contact the individual within 10 working days.
- Applications for advertised roles will be forwarded to the relevant volunteer supervisor.
- Where Council has no volunteer roles, general enquiries will be referred to the People and Culture department for a response.

5.5. Volunteer Screening

Screening processes are applied to volunteer applicants to help maintain the safety and security of service users, employees, volunteers and the organisation.

5.6. Volunteer Application

Evidence of capability to undertake the role will be considered in screening volunteer suitability. All applicants must be able to meet the requirements detailed in the volunteer role description. In addition to a completed application form, screening maybe undertaken through one or more of the following based on the role being considered:

- an interview/discussion by phone or face to face
- referees report
- medical assessment and/or approve depending on the role to be performed
- checking identification document for screening, which may include a National Police Check.

If relevant to the specific programs, the following must be carried out:

- working with Children Check for any volunteer working in child related work. (Working with Children Check Policy 5.31)
- a medical check

5.7. Medicals and Fitness to Work

In some circumstances, for specific volunteer roles, volunteers may be required to undergo a medical check with their own General Practitioner (GP) to ensure they have the capability to perform the volunteer role and associated tasks outlined in the Volunteer Role Description. A Safe Work Method Statement (SWMS), Safe Working Procedure (SWP), Safe Operating Procedure (SOP) and a Take 5 daily risk assessment is available to assist the volunteer's General Practitioner to determine the volunteer's suitability for the role.

If a volunteer's health condition has significantly changed since commencement, or if a volunteer has undergone surgery, the volunteer supervisor may ask the volunteer to defer volunteering and request a medical check by their doctor or Council's doctor.

In either case, the volunteer supervisor will provide the volunteer with a Volunteer Role Description and SWMS/ SWP/SOP to present to the doctor, to ensure the volunteer can perform all tasks.

The volunteer will be notified within 7 days of the assessment. If the medical report received is satisfactory, a commencement or re-commencement date will be agreed upon. If the report is unsatisfactory, the volunteer supervisor will provide possible alternative volunteer opportunities, depending on the volunteer's willingness and capability to undertake a different volunteering role.

Completed medical reports will be stored on the volunteer's file in Council's Record Management System and Vault Safety Management System.

5.8. Volunteer Selection

Broken Hill City Council will select volunteers who are suitably qualified and experienced, and who have competence and appropriate qualities to undertake the role within Council, based on information collected throughout the registration, recruitment and screening.

5.9. Appointment

The volunteer supervisor will determine the successful applicant for the role based on the application and screening processes.

Newly appointed volunteers will be contacted by the volunteer supervisor or designated Council employee's member, regarding a mutually convenient time for the volunteer to commence work and undergo induction. The terms and conditions of the appointment will be set out in the Volunteer Engagement Agreement (Appendix 9.5).

6. SUPPORT AND DEVELOPMENT

6.1. Volunteer Induction and Orientation

All new volunteers with Council will be provided with an induction and site orientation upon commencement at the work location.

The volunteer supervisor will ensure the induction and site orientation process is implemented in line with the Induction Checklist. (Appendix 9.6)

Volunteer inductions will be conducted by the volunteer supervisor or supervising Council employees, who will introduce volunteers to the work environment and the necessary resources to perform their role.

Volunteers currently in volunteering roles within Council may participate in an adapted induction and orientation process, at the discretion of the volunteer supervisor, if a need is identified.

The volunteer supervisor or supervising Council employees will be responsible for the implementation of volunteer inductions and orientations.

The corporate induction will be managed by Corporate Services department and completed within the time frame in the Volunteer Training Matrix process (Appendix A).

6.2. Induction and Orientation

Induction and orientation sessions are to be scheduled upon commencement. Should an induction and orientation session not be conducted on commencement, a volunteer registration form and signed volunteer agreement must be completed, before or on commencement in the volunteer role.

It is the volunteer supervisor's responsibility to ensure that the volunteer undertakes induction and orientation within one month of commencement with Council.

An Information Package for volunteers will be provided to all volunteers as part of their Volunteer Engagement Agreement.

The processes for each type of volunteer is outlined in (Appendix A) with the documentation required for each volunteer group.

All documentation will be stored in Council's EDMS and Vault Safety Management System. A six-monthly audit of the register will be undertaken by the Risk Team to ensure all data is current and to remove any ceased volunteers.

6.3. Volunteer Supervision and Feedback

Council will ensure that volunteers are provided with supervision, feedback and support, that enables them to safely and effectively carry out their duties, as detailed in their role description.

Volunteer supervisors are expected to communicate regularly with volunteers with respect to their performance and progress to ensure that:

- volunteers are recognised positively for good performance as it happens or shortly after
- volunteers are made aware of instances of unacceptable performance as it happens or as soon as practicable
- training requirements are proactively managed
- feedback from volunteers is used to inform improvements to volunteer involvement
- changes to the involvement of a volunteer are undertaken fairly and consistently.

Responsibility for supervision is included in the volunteer role description.

The supervisor will ensure they are available for consultation and support. Supervisors need to be aware of all activities undertaken by their volunteer and that only authorised activities that relate to their work at Council are undertaken.

Discussions will be held with individuals and/or teams of volunteers, on achievements and areas for development and satisfaction with their role, the work environment and operations, to inform all aspects of continuous improvement.

Volunteer supervisors will decide whether informal or formal feedback is the most appropriate, relevant to the volunteer role and program. Informal feedback may be the most suitable way to manage many volunteers, or if volunteer participation is short term.

The volunteer supervisor will decide on the most appropriate way to supervise and support each volunteer, taking into consideration the skills required for the task; health and safety and the volunteer activities.

6.4. Informal Feedback

Informal types of feedback may include:

- direct supervision and observations.
- conversations during volunteering.
- feedback on the job, perhaps through mentoring or buddy system.
- meeting collectively with small group of volunteers.
- feedback from customers and fellow volunteers.

Some volunteers may approach their supervisor and seek feedback on their performance through a more formal approach.

6.5. Allocating Work

Duties to be performed by volunteers will be contained in their role description, or for construction and maintenance activities, by the issuing of a Works Order. Any other duties not covered by a Council document cannot be performed by the volunteer.

6.6. Formal Feedback

Formal supervision / feedback provides the volunteer and supervising Council employees with an opportunity to discuss the following in a more formal setting:

- update personal record eg medical update, contact details and emergency contacts.
- Working with Children Check.
- progress against agreed outcomes.
- volunteer satisfaction with the role, service delivery and workplace.
- positive and constructive feedback including customer and Council employee's satisfaction.
- review the volunteer role description for currency and relevance.
- identify performance strengths and areas for development.
- address issues or raise concerns and actions taken.
- identify professional development goals and achievements.
- suggest improvements or new initiatives.

The feedback session should follow an open-ended discussion format whilst using pre-determined questions to guide discussion regarding volunteer performance.

6.7. Documentation

Volunteer supervisors are expected to ensure that:

- information on the volunteer register and role description is reviewed and updated if necessary.
- during the term of any volunteer's engagement with Council any feedback meetings should record each party's responses on the feedback form, ready for documentation and review.
- both the volunteer and supervising Council employees will review the final feedback form to ensure agreement.
- the feedback form may be consulted as necessary during the year and at the next feedback, to evaluate progress in meeting any plans or goals set.
- A Volunteer Register will be maintained that details the engagement history of the volunteer. The Volunteer Register will be the responsibility of the Risk Team and store in

Vault Volunteer Management register. The Register will be reviewed six monthly to maintain its currency.

6.8. Volunteers as Supervisor

In some areas it may be appropriate for volunteers to act as leaders to supervise another volunteer/s. This will be reflected in their role description, as they hold additional responsibilities to most other volunteers. The supervisor will ensure the volunteer supervisor is adequately briefed, trained and supported to undertake supervision responsibilities.

6.9. Working Alone

Volunteers should rarely work alone for long periods. If this situation arises it is important that the volunteer is provided with clear direction, and regular contact is provided by the volunteer supervisor. This arrangement should only be short periods of time. For safety reasons volunteers should be encouraged to work with at least one other person where possible.

Refer to the Working Alone Procedure (SOP 1-0).

6.10. Absence of a Direct Supervisor

Where the volunteer's supervisor is absent, the next supervisor or their delegate becomes directly responsible for volunteer supervision, and they may appoint another Council employees as the supervisor. Depending on the specific volunteer program, if the new supervision and management arrangements mean the supervising Council employees and the volunteer are not working from the same office or site, the volunteer's supervisor will decide the appropriateness of the volunteer role continuing and for how long.

If appropriate supervision and management is not available, the volunteer will be informed and asked to suspend work until the situation has been resolved.

6.11. Absence of a Volunteer Supervisor

Everyday supervision and management of volunteers is the responsibility of designated supervising Council employees. A short absence of the volunteer supervisor from the work location requires the volunteers to have a means of direct contact with their supervisor. In the case of an extended absence, the volunteer supervisor will be replaced by other Council employees to ensure the continuing effective management of volunteers.

Where an extended absence of the volunteer supervisor is not planned, the relieving volunteer supervisor will review volunteer tasks and inquiries at the earliest opportunity, to identify those requiring urgent attention. Responsibility for the performance of these tasks will then be allocated as deemed appropriate.

6.12. Exit Process

Where volunteers cease volunteering with Council and notice is given, the supervisor will ensure ongoing activities continue, and if necessary, new volunteers trained in the role activities are delegated and supervised where possible.

Supervising Council employees may undertake an exit meeting with volunteers, to gain feedback regarding their experiences and satisfaction, in volunteering with Council.

The Exit Interview Form (Appendix 9.11) will assist with the discussion.

6.13. Volunteer Training

Council will ensure a work environment for all volunteers that supports a learning and development culture, as part of its commitment to continuous improvement. The volunteer supervisor is responsible for promoting the skills and knowledge development of volunteers and may designate responsibilities to other Council employees.

The Volunteer Training Matrix (Appendix 9.12) outlines the compulsory and optional training of volunteers. If volunteers fail to complete their compulsory training, their volunteer activities will be withdrawn, until the compulsory training is completed.

Volunteers will be appropriately trained to perform their roles as specified in their role description. Additional to general training provided for all volunteers, the volunteer's supervisor may provide opportunities for training, to develop individual and team strengths, to address performance gaps or weaknesses, and to ensure safe working practices and volunteer satisfaction.

6.14. Role Assessment

Every role description with Council will be examined by the volunteer's supervisor or designated Council employees, as part of the regular review process, to determine specific skills and training required for a volunteer to adequately perform the role.

6.15. Training Needs Assessment

If a volunteer does not have all the necessary skills to undertake the role, the volunteer supervisor or designated Council employees may at Councils discretion conduct a training needs analysis with the volunteer and provide the training required as soon as reasonably practical .

However, if it is deemed by Council that the volunteer may not be in a position to acquire the necessary skills required for a role for any reason or it is not reasonably practical to provide the training necessary, then their application maybe refused.

Where appropriate, formal feedback of volunteer performance will include a discussion about what training, if any, could assist the volunteer in effective service delivery, as well as the volunteer's skills and knowledge of development goals and achievements.

Supervisors / managers should discuss their volunteer's training needs with People and Culture and the Risk Team.

6.16. Training Information and Requests

Information on upcoming training and development opportunities will be communicated to volunteers by the volunteer supervisor.

Volunteers will need to participate in identified compulsory training as required by Council. It is the volunteer supervisor's responsibility to ensure volunteers undertake any identified compulsory training.

7. WORKPLACE SAFETY AND WELLBEING

7.1. Work Health and Safety Policy

All Work Health and Safety policies apply to volunteers as workers of Council.

The WHS Policy is located at [Council's Intranet](#)

7.2. Volunteer and the Code of Conduct

Council's Code of Conduct applies equally to the volunteers of Council. All volunteers will be required to complete Code of Conduct training as part of their induction into Council. The Code of Conduct Policy details the general conduct expected of volunteers, including pecuniary interest and personal benefit.

The performance and conduct of volunteers are expected to be the same as that of an employee. If a volunteer fails to meet these expectations, then counselling and model code of conduct procedures should be implemented. The support of the supervisor should be sought when planning this process.

7.3. Volunteer Insurance

Council is committed to providing a fulfilling and beneficial volunteering experience for all volunteers. In meeting this commitment Council considers it is important to ensure that should volunteers injure themselves or cause a loss or damage to a third party, that they are provided with the protection of insurance to minimise any personal financial impact.

Council has the following **insurances** to cover volunteers while working:

- Personal Accident Insurance provides specified benefits for registered volunteers following accidental injury, disability or death, while carrying out their duties on behalf of Council, including the direct travel to and from voluntary work. The personal accident insurance does not cover any medical entitlement claimable under Medicare. In addition to this it does not respond to any Medicare "gap", being the difference between the payment made by Medicare and the Medicare Benefits Scheduled fee for the expense.
- Public Liability Insurance to cover Council for its legal liability to third parties, for personal injury or property damage caused by a Council registered volunteer.
- Motor Vehicle Comprehensive Insurance to cover Council vehicles driven by volunteers, for damage to the vehicle or to third party property. Volunteers using their own vehicle for volunteering activities, are required to maintain their own insurances.

Council does not provide the following insurances for volunteers:

- Workers Compensation Insurance
- Personal Effects Insurance for loss or damage to a volunteer's personal effects
- Travel Insurance for local or overseas travel.

It should be noted that all policies are subject to several conditions, imitations and exclusions contained within those policies, which are subject to change. For details of the current insurance provisions, please discuss with the Manager Corporate Risk or Risk Team.

Volunteers are not covered by the *Workers Compensation Act 1987* and are therefore not entitled to Workers Compensation in respect of any injury suffered whilst working as a volunteer.

7.4. Volunteer Incident Reporting

Council is committed to providing a safe and healthy working environment for volunteers. This will be achieved by management and volunteers working together, following a program of health and safety activities and procedures, which are monitored, reviewed and audited to achieve best practice.

7.5. Reporting Incidents / Investigation

All incidents, including an event that causes harm to people, property or the environment, or a near miss, must be reported and investigated.

It is the responsibility of the volunteer and volunteer's supervisor to ensure an incident report is completed within 24 hours of the incident. Reporting can be completed by the and Council's electronic WHS incident reporting system - Vault.

In addition to ensuring the incident report has been completed, volunteer supervisors are responsible for ensuring an investigation, if required is completed, and corrective action taken.

The level of investigation must match the level of the incident and this will be determined by Councils Risk Team once the incident is reported to Council. It is important to remember that health and safety investigations are not to be conducted, to apportion blame or liability for what occurred, but rather to identify corrective actions that need to be taken to improve the health and safety of people.

The volunteer supervisor will ensure that any recommended corrective actions identified from the analysis of the facts obtained from the incident investigation, are implemented in consultation with the volunteer/s.

7.6. Equipment, Hazardous Materials and PPE

Council will provide guidance on the appropriate use of tools and equipment, hazardous substances and Personal Protective Equipment (PPE), to minimise risks associated with hazards that cannot be effectively controlled by other methods.

Programs involving volunteers will have different requirements regarding tools, equipment and PPE, and specific requirements for each role will be developed by volunteer supervisors.

The volunteer supervisor or designated Council employees will ensure that volunteers are provided with appropriate information, instruction, training and supervision, to ensure their health and safety while participating in volunteer activities, and volunteers will be provided with appropriate equipment to undertake their role safely.

The volunteer supervisor should refer to the Risk Portal for a range of detailed information and procedures.

7.7. Volunteer Grievance and Dispute Resolution

Council is committed to providing a productive work environment in which volunteers feel safe to raise workplace problems and concerns, so these workplace problems can be managed fairly, sensitively and as quickly as possible, and at a local level where practicable.

7.7.1. Grievance

A grievance is a concern or complaint about a matter related to work, including volunteer work that is covered under the definition of discrimination, harassment or workplace bullying. An issue can be about any act, behaviour, omission, situation or decision which someone thinks is unfair or unjustified.

- Council is committed to protecting Council employees and volunteers from any victimisation or repercussions for reporting issues in good faith.
- Concerns should be raised as early as possible or practicable.
- Issues should be treated seriously, expeditiously, sensitively and as close as possible to their source, having due regard to procedural fairness, confidentiality and potential for victimisation.
- All parties are required to participate in the grievance and resolution process in good faith.

7.7.2. Procedure

Any issue, problem or concern should, in the first instance, be raised as soon as reasonably practicable with the volunteer supervisor or supervising Council employees. If there is a valid reason why that would not be appropriate (for example, if the matter concerns the volunteer's supervisor), the matter should be raised with the volunteer supervisor's manager.

If the matter cannot be resolved at the level at which it is raised, then it will be progressively referred to the next higher level of management, until a satisfactory resolution is achieved.

7.8. Emergency Management

Often the volunteers will be changing workplaces and so it is important that they all understand the emergency procedures for that work site, including who is the warden and first aid provider, and their role in responding to a site emergency. Emergency management plans for permanent sites are available on Council's intranet.

7.9. Recording Plant and Equipment

Plant or equipment purchase needs to be recorded in Council's asset register and disposed of, in accordance with Council's Plant Management procedure for removal of obsolete plant and disposal. Donated goods will not be accepted.

8. VOLUNTEER RECOGNITION

8.1. Recognition

All people need to be recognised in a meaningful way for their efforts. This helps to build self-esteem and confidence. Recognition is an important component of volunteer retention. When volunteers feel appreciated and important, they are more likely to feel connected to the program and continue their involvement.

One useful way of encouraging the volunteers to remain with the organisation, is to give them adequate recognition. For recognition to be effective, it should be consistent and ongoing. Volunteers can quickly lose motivation if they feel that their work is not being valued.

It is important that volunteer supervisors are aware of the different ways in which volunteer efforts can be recognised. This is because one volunteer may regard one type of recognition as valuable, while another may feel it has little worth. If a Volunteer supervisor is aware of the volunteer's motivation in working for the organisation, then this will provide a good indication for the type of recognition that the volunteer is seeking. For example, if a volunteer is hoping to obtain paid employment, he/she will value opportunities to receive training, obtain a certificate of training recognition and/or a referee for their resume.

Some ways that volunteer can be recognised include:

- Adequately orientate volunteers.
- Have volunteer supervisors readily accessible to volunteers.
- Encourage volunteer participation in team planning.
- Encourage volunteer participation in planning that affects their work.
- Provide training.
- Enable volunteers to 'grow' on the job.
- Include volunteers in special events and coffee breaks
- Recommend volunteers to prospective employers if appropriate.
- Maintain Workplace Health and Safety standards.
- Take the time to explain and listen to the volunteer's ideas and concerns.
- Recognise and accommodate personal needs and problems.
- Celebrate achievements and efforts.
- Keep volunteers informed
- Allocate noticeboard space to applaud volunteer achievement.
- Organise an awards ceremony with certificates, plaques or medals.

9. MONITOR AND REVIEW

Effective volunteer involvement results from a system of good practice, review and continuous improvement

9.1. Volunteer Policies and documents

All Volunteer Management policies, procedures and management systems will be reviewed in line with Council's Systems and Document Management Policy.

9.2. Compliance

Council currently has in place several methods to ensure compliance of the Volunteer Management System including regular review of systems, the risk and volunteer registers and policies, internal audits and strategic planning at the various levels of Council.

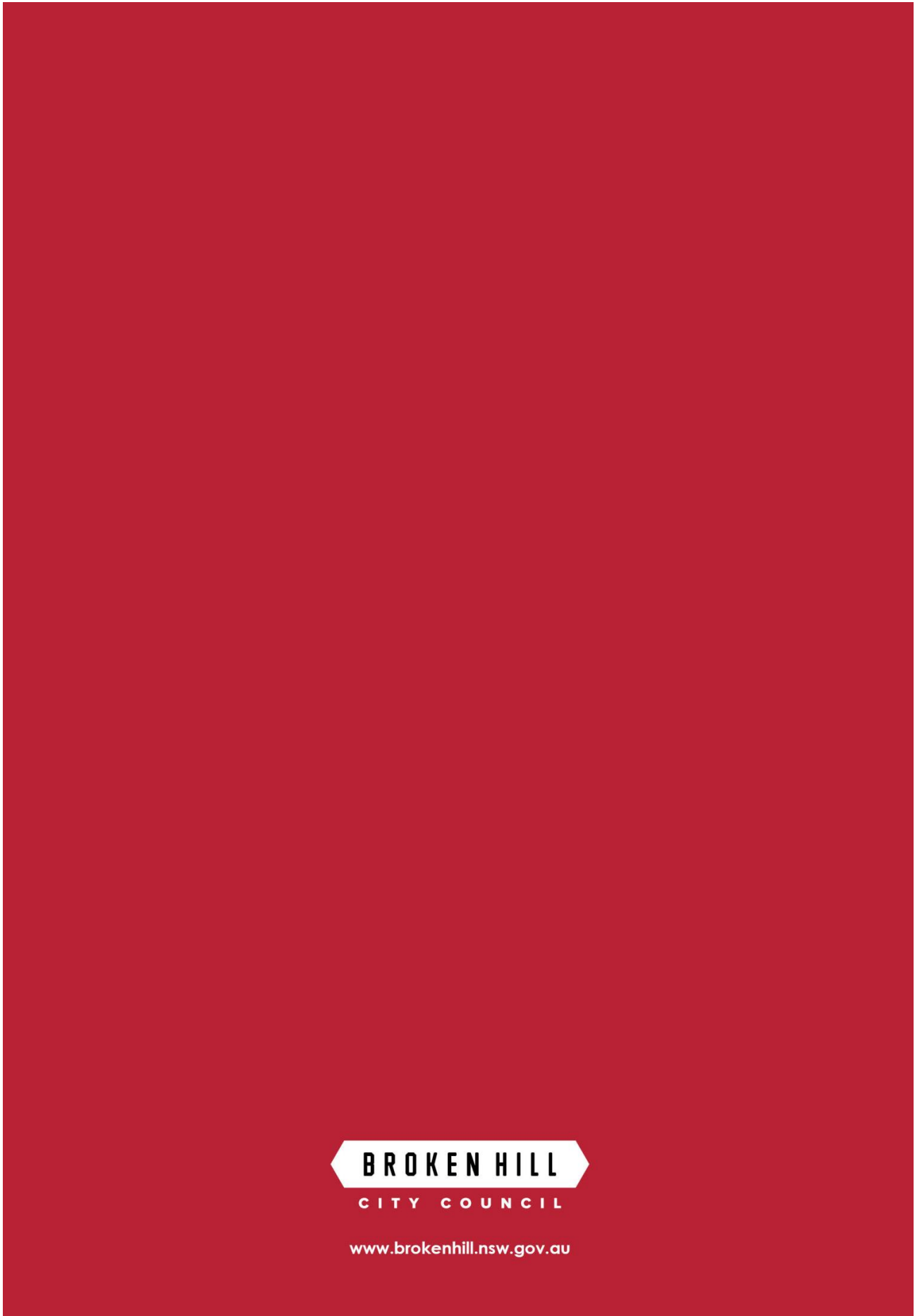
APPENDIX A - Volunteer Groups Training Matrix

(Documented inductions are required to be completed within 6 weeks of commencement).

GROUP 1			GROUP 2		GROUP 3		GROUP 4	
Regular Volunteers			Casual Volunteers		355 Asset Committee Members		Advisory Committee Members	
1.	Volunteer Application Form	<input type="checkbox"/>	Sign-in register at event	<input type="checkbox"/>	Volunteer Application Form	<input type="checkbox"/>	Volunteer Application Form	<input type="checkbox"/>
2.	Pre-existing medical condition	<input type="checkbox"/>	Site Induction	<input type="checkbox"/>	Pre-existing medical condition	<input type="checkbox"/>	Pre-existing medical condition	<input type="checkbox"/>
3.	Working with Children or Police Check (if applicable)	<input type="checkbox"/>	Toolbox Talk	<input type="checkbox"/>	Working with Children or Police Check (if applicable)	<input type="checkbox"/>	Working with Children or Police Check (if applicable)	<input type="checkbox"/>
4.	Appointment letter and attachments	<input type="checkbox"/>		<input type="checkbox"/>	Appointment letter and attachments	<input type="checkbox"/>	Appointment letter and attachments	<input type="checkbox"/>
5.	Induction Records (Corporate, WHS and Site)	<input type="checkbox"/>		<input type="checkbox"/>	Induction Records (Corporate, WHS and Site)	<input type="checkbox"/>	Induction Records (Corporate, WHS and Site)	<input type="checkbox"/>
6.	Toolbox meeting	<input type="checkbox"/>		<input type="checkbox"/>	Toolbox meeting	<input type="checkbox"/>	Site Induction	<input type="checkbox"/>
7.	Site sign-in sheet	<input type="checkbox"/>		<input type="checkbox"/>	Site sign-in sheet	<input type="checkbox"/>	Site sign-in sheet	<input type="checkbox"/>
8.	Compulsory Training including 355 Committee Training (WHS, Corporate and Finance)	<input type="checkbox"/>		<input type="checkbox"/>	Compulsory Training including 355 Committee Training (WHS, Corporate and Finance)	<input type="checkbox"/>		<input type="checkbox"/>

APPENDIX B - FORMS

- Volunteer Role Description Template
- Request to Recruit
- Record of Interview
- Referee Check Form
- Volunteer Engagement Agreement
- Agreement for use of own vehicle
- Volunteer Induction and Orientation Guideline and Checklist for Supervisors
- Daily Sign-in Sheet
- Volunteer Pre-start and Works Order
- Counselling and Discipline Interview Guide
- Annual Feedback
- Exit Interview Form
- Volunteer Training Matrix
- Media Release Agreement



www.brokenhill.nsw.gov.au

DRAFT VOLUNTEER MANAGEMENT POLICY

QUALITY CONTROL			
EDRMS REFERENCES	D24/37896		
RESPONSIBLE POSITION	Director Corporate and Community		
APPROVED BY	General Manager		
REVIEW DATE	30/09/2026	REVISION NUMBER	1
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
31 July 2024	Public Exhibition	47607	

1. INTRODUCTION

- 1.1 Council recognises the benefits and contributions volunteers make to the community in the Broken Hill Local Government Area (LGA). The contribution made by volunteers is highly valued by Council.
- 1.2 The activities undertaken by volunteers are of benefit to Council and the local community and complement, but do not replace, the services and programs facilitated by Council employees.
- 1.3 Council is equally committed to maintaining the highest possible employment levels in the community. Volunteers are, therefore, not substitutes for paid employees but an acknowledged and valued addition to Council's community infrastructure.

2. POLICY OBJECTIVE

The purpose of this policy is to:

- a) provide an over-arching structure for consistent volunteer management across all Council business units.
- b) establish a high quality and consistent standard approach to recruiting, training, and managing volunteers across all areas and activities of Council.
- c) provide the opportunity for community members to participate in Council programs or services as volunteers.
- d) ensure that volunteers are treated with professionalism, fairness and respect and used ethically.
- e) ensure the health, safety and wellbeing of volunteers is protected in the workplace.

3. POLICY SCOPE

This policy applies to all volunteers, committees and sub-committees involved in Council organised activities or programs, including Council staff that volunteer to be involved in such activities or programs which is external to their normal workplace duties. To avoid doubt, this policy applies to volunteer committees established for the purposes of section 355 and 377 of the *Local Government Act 1993* (NSW).

4. POLICY STATEMENT

Council is committed to creating opportunities for volunteers that are productive, meaningful and of benefit to the community and the volunteer. Council will ensure that all volunteers are treated as equals, receive training where necessary, given appropriate recognition, workplace support and protected through the provision of a safe and healthy workplace. Council is committed to increasing volunteering opportunities that will lead to skills development and learning opportunities.

4.1 Selection, Engagement And Management of Volunteers

- 4.1.1. Volunteering is open to any person who has been assessed as capable of carrying out the volunteer activities.
- 4.1.2. Whilst no minimum or maximum age limits for volunteering is applied by Council. Volunteers under the age of 18 years must have parental/carer approval for duties to be undertaken and be supervised at all times.
- 4.1.3. Volunteers must be approved by Council before undertaking any volunteering duties. Council may prescribe specific prerequisites for a volunteer performing certain activities (eg Specific qualifications and/or medical clearance) to ensure the safety of the volunteer and/or others involved in the activity.
- 4.1.4. All required prerequisites will be included in the Volunteer Application Form that must be completed by all volunteers and reviewed by Council before the volunteer is approved.
- 4.1.5. Volunteers will be appropriately managed, supervised and supported by Council in a way that is consistent with the duties the volunteers perform. Council reserves the right to suspend or terminate the services of a volunteer or discontinue the running of an activity without notice as outlined in Council's Volunteer Management Framework.

4.2 Identifying Activities Involving Volunteers

- 4.2.1. Council will identify activities within Council that involve, or are likely to involve, volunteers, including:
 - Community events
 - Non-event activities (such as park and bush maintenance)
 - Community services and fundraising
 - Council committees and sub-committees (eg Section 355 Committees)
- 4.2.2. Council approval must be obtained prior to the commencement of any task to be undertaken by a volunteer who has been deemed competent to carry out the task. Approval for certain tasks contained within the Volunteer's Position Description can be provided by Council on an ongoing basis. For any work or activity relating to a program of works or relating to an unplanned event, the relevant Council Officer must be contacted for approval prior to that work or activity being commenced.

5. IMPLEMENTATION

The following Council officers are responsible for the implementation and the adherence to this policy.

5.1 Roles and Responsibilities

Volunteers are expected to maintain the same standards of confidentiality, professionalism, organisational discipline and compliance with Council's Code of Conduct, Work Health and Safety and other relevant policies and procedures.

5.2 Work Health and Safety

Under the *Work Health and Safety Act 2011* (NSW), Volunteers are deemed to be a worker of Council and as such are owed a statutory duty of care while undertaking activities on behalf of Council.

Council will provide guidance to volunteers in relation to the process of identifying risks and hazards. Council will also provide guidance on the implementation of appropriate controls to eliminate or if not possible, reduce the level of risk to an acceptable level to create a safer, healthier workplace for volunteers.

Volunteers have a responsibility not to place themselves or other persons at risk while undertaking Council related activities or carrying out work on Council owned facilities.

5.3 Reimbursement of Expenses

Volunteers make significant contributions in terms of time, expertise, general personal expenses and endeavour. Council does not offer compensation or remuneration to volunteers for these contributions.

5.4 Insurance

Insurance coverage will be provided to volunteers within the written limitations and exclusions detailed in Councils current insurance policy wording and as set by Councils insurers/underwriters.

5.5 Media

Volunteers are not permitted to make any comments to the media on behalf of Council. Any queries for a statement to the media must be referred to Council's Communications Manager.

5.6 Training

Volunteers must attend all training required by Council.

5.7 Communication

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

6. ASSOCIATED DOCUMENTS

The following documentation is to be read in conjunction with this policy.

- *Broken Hill City Council Volunteer Framework*
- *Enterprise Risk Policy including Work Health and Safety Policy*
- *Alcohol and Other Drugs Policy Model Code of Conduct*
- *Contractor Management Framework*
- *Media Policy*
- *Procurement Procedures and Guidelines*

7. REVIEW

This policy will be reviewed biennially. More frequent reviews may be required if there are changes to legislative requirements, organisational change or amendments to Council's Safety Management System.

The Director Corporate and Community is responsible for the review of this policy.

8. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

- *Work Health and Safety Act 2011 (NSW)*
- *Work Health and Safety Regulations 2017*
- *Local Government Act 1993*
- *Anti-Discrimination Act 1977*
- *Child Protection (Working with Children) Act 2012*
- *Privacy and Personal Information Protection Act 1998*

9. DEFINITIONS

Council Means Broken Hill City Council.

Volunteer Means any person from the community who offers to do work for Council without monetary compensation.

ORDINARY MEETING OF THE COUNCIL

October 16, 2024

ITEM 11BROKEN HILL CITY COUNCIL REPORT NO. 158/24

SUBJECT: DRAFT DEVELOPMENT CONFLICT OF INTEREST POLICY FOR
PUBLIC EXHIBITION D24/50146

Recommendation

1. That Broken Hill City Council Report No. 158/24 dated October 16, 2024, be received.
2. That Council endorse the Draft Development Conflict of Interest Policy for the purpose of public exhibition.
3. That the Draft Development Conflict of Interest Policy be exhibited for public comment for a period of 28 days.
4. That a report be presented to Council at the conclusion of the public exhibition period, detailing submissions and any recommended amendments arising, with a view to adopting the Draft Development Conflict of Interest Policy.

Executive Summary:

The purpose of this policy is to manage potential conflicts of interest that may arise in conjunction with Council-related Development Applications (DA) and development where a council employee or elected member has an interest.

Under the provisions of the *Environmental Planning and Assessment Regulation 2021* Councils must adopt and have a policy that specifies how conflicts of interest in connection with council-related development applications will be handled. This policy has been prepared to ensure compliance with the provisions of the Regulation and also in accordance with the Department of Planning and Environment's *Council-related Development Application Conflict of Interest Guidelines*.

Report:

This draft policy aims to provide a framework with processes and procedures to ensure potential conflicts of interest are identified and managed appropriately for Council-related development and development where staff or elected members have an interest.

Council-related development applications are defined as being:

- Made by or on behalf of a local council; or
- For development on land of which the council is an owner, a lessee or a licensee or
- For development on other land of that is vested in or under the control of the council.

It is a requirement of the *Environmental Planning and Assessment Regulation 2021* that all NSW Councils must adopt and have a policy that specifies how conflicts of interest in connection with council-related development applications will be handled.

This draft policy has been prepared to ensure compliance with the provisions of the Regulation and also in accordance with the Department of Planning and Environment’s *Council-related Development Application Conflict of Interest Guidelines*.

The draft policy establishes Council’s management controls that will be applied to address potential conflicts of interest during the development assessment process for Council-related development applications and applications in which a council employee or elected member has an interest.

The draft policy includes circumstances where particular management controls are not required for certain developments, such as minor works, internal alterations on non-heritage buildings, advertising signage, minor works over public footpaths (such as awnings, flagpoles), minor maintenance etc.

Community Engagement:

The Draft Development Conflict of Interest Policy will be placed on public exhibition for a period of 28 days.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2021

Financial Implications:

There are no financial implications for Council to implement this Policy.

Attachments

1. [↓](#) Draft Development Conflict of Interest Policy

CODIE HOWARD
DIRECTOR INFRASTRUCTURE AND ENVIRONMENT

JAY NANKIVELL
GENERAL MANAGER



DRAFT DEVELOPMENT CONFLICT OF INTEREST POLICY

QUALITY CONTROL			
EDRMS REFERENCES	<Enter Container Number – Enter Document Number>		
RESPONSIBLE POSITION	Director Infrastructure and Environment		
APPROVED BY	Council		
REVIEW DATE	<Enter Review Date>	REVISION NUMBER	1
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
Only include the last revision (PLEASE DELETE THIS ROW)			
<Enter Date>	<Enter action description>	<Enter Minute Number>	

1. INTRODUCTION

Council has a function as a development regulator. Council can also be the developer, landowner, land manager or hold a commercial interest in the land it regulates. Where Council has this dual role, an inherent conflict can arise between their interests in the development and duty as regulator.

Council employs staff to carry out its duties as a regulator. A member of staff or an elected councillor may also hold an interest in a development. Where this is the case, the relationship between the staff employed to carry out regulatory functions and the staff or councillor with an interest needs to be analysed to ensure it will not cause a conflict between the competing interests.

The purpose of this policy is to manage potential conflicts of interest that may arise in conjunction with Council-related Development Applications (DA) and development where a council employee or elected member has an interest.

2. POLICY OBJECTIVE

This policy aims to provide a framework with processes and procedures to ensure potential conflicts of interest are identified and managed appropriately for Council-related development and development where staff or elected members have an interest.

3. POLICY SCOPE

This policy applies to:

- Council-related developments
- Development where an elected member or an employee of Council has an interest

This policy does not apply to:

- development applications that include development on a public road, as defined by the Local Government Act 1993, unless the development is otherwise included in

the scope (for example, if Council, an elected member, or an employee is the applicant for the Development Application)

- development that is exempt development
- development that is permitted without consent

4. POLICY STATEMENT

The following are the guiding principles and standards that Council must adhere to for the implementation of this policy.

Part 4.1 of the policy relates to Council-related development.

Part 4.2 of the policy relates to development where an elected member or an employee of Council has an interest in the development.

4.1 COUNCIL-RELATED DEVELOPMENT

4.1.1. Process for establishing management approach

4.1.1.1. When Council related development applications are lodged

Development applications lodged with Council that are Council-related development are to be referred to the General Manager for a conflict-of-interest risk assessment.

4.1.1.2. General Manager

Upon receiving a referral of a council-related development under this section, the General Manager is to:

- (a) assess whether the application is one in which a potential conflict of interest exists,
- (b) identify the phase(s) of the development process at which the identified conflict of interest arises,
- (c) assess the level of risk involved at each phase of the development process,
- (d) determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process as necessary), having regard to any controls and strategies outlined in this policy and the outcome of the general manager's assessment of the level of risk involved.

Note: The General Manager could determine that no management controls are necessary in the circumstances or that only standard controls should apply.

- (e) document the proposed management approach for the proposal in a management statement that is published on the NSW Planning Portal and made publicly available.

Note: a template Management Statement and example are provided in Appendix B.

4.1.2. Process for Identifying and Managing Potential Conflicts of Interest

4.1.2.1. Management controls

Council-related development shall have standard controls and/or special controls applied as determined to be appropriate to the particular case to ensure conflicts are effectively managed.

Standard controls will usually be applied to all Council-related development unless there are extraordinary circumstances and/or alternative controls no less effective are in place.

The following are considered standard controls:

- (f) the individual who conducts the assessment of any application shall not be the same individual who determines the application except in unavoidable circumstances.
- (g) relevant staff shall not participate in or contribute to the development design, planning, execution or documentation and shall not be involved in project team.
- (h) Where a council-related development becomes the subject of any proceeding before the Land and Environment Court (for example, Class 1 merit review proceedings or Class 4 judicial review proceedings), external legal representatives and consultants will be engaged to conduct the matter on behalf of the City.
- (i) All certification work for council-related development will be undertaken by a private certifier or staff of another council.

Note: At time of writing, 25(2) of the Building and Development Certifiers Regulation 2020 provides that it is not a conflict of interest for a certifier to issue a certificate on behalf of a council to the council if the development has a capital investment value of less than \$2,000,000. This provision does not cover other certification work such as exercising the functions of a Principal Certifier or carrying out critical stage inspections. As a result, council would need to engage a private certifier or another council to carry out that certification work even if an employee certifier were able to issue a certificate free from conflict.

- (j) Record Management controls are to be implemented such that Council's record system containers are to be 'blocked' (preventing access and changes) from the project team and any staff member or Council officer acting as delegate/applicant for a Council application.
- (k) The assessing officer is to ensure that all processes undertaken during the assessment of any DA are in accordance with Council's policies, procedures, and legislative requirements.
- (l) If a Council staff member is the applicant or is delegated to act as an owner/applicant for a Council-related development, any discussion relating to the affected DA processing, status, etc., must be appropriately recorded and preserved in Council's record management system, and involve no less than 3 people.

The staff member must not use their position to influence relevant staff in their consideration of the development.

- (m) Council's Audit, Risk and Improvement Committee shall be provided a copy of the management statement for the development and given access to the documentation relating to the development process on request.

4.1.2.2. Special controls not required for certain development

The following kinds of development require no special controls to be applied unless otherwise determined by the General Manager:

- a. commercial fit outs and minor changes to the building façade,
- b. internal alterations or additions to buildings that are not a heritage item,
- c. advertising signage,
- d. minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services),
- e. development where the council might receive a small or insignificant fee for the use of their land.
- f. Any modifications to an approved council-related development application made under sections 4.55(1) or 4.55(1A) of the Act.
- g. Minor maintenance and restoration of a heritage item.
- h. changes of use from one permitted use to another with no greater than minor impacts on the amenity of the surrounding area
- i. alteration or addition of minor structures in parks and other public places (such as shade structures in public playgrounds).

4.1.2.3. Special controls for Development assessment and determination

Controls for the phases of a development process including assessment and determination of a Development Application are to be based the scale of development and controls set out in the table to Appendix A.

4.1.2.4. Special controls for regulation of development

For the regulation/compliance phase of a council-related development, the following special controls may be applied. The selection of controls shall be proportionate to the risk posed, as determined by the General Manager (refer clause 4.1.1.2).

- (a) Delegation of compliance/investigation powers to an external body (such as a contractor, another council, or a joint organisation)
- (b) Independent audits and reports at specified stages.
- (c) Tabling of reports and records with Council's Audit, Risk and Improvement Committee, and/or the elected Council.

4.2 COUNCILLOR OR COUNCIL EMPLOYEE RELATED DEVELOPMENT

4.2.1 Principles

The following principles must be adhered to:

a. If a Council staff member is the applicant and/or landowner or is the delegated staff member to act as an applicant for a Council project / development, any discussion relating to the affected DA processing and status, must be:

- undertaken in the staff member's (i.e., applicant) own time (if the matter is a private or personal project), and
- held in a public location (e.g., foyer, front counter).

b. If a Councillor or staff member is the applicant and/ or landowner, the Councillor or staff member must not use his/ her position:

- to influence the assessing officer in the processing of his/ her application.

c. The assessing officer is to ensure that:

- all processes undertaken during the assessment of any DA are in accordance with Council's policies, procedures, and legislative requirements.
- the applicant is not to be given any special, preferential treatment nor discriminated against.

d. Record Management controls are to be implemented:

- If a Council staff member is the applicant or is delegated to act as an owner/applicant for a Council-related development, any discussion relating to the affected DA processing, status, etc., must be appropriately recorded and preserved in Council's record management system, and involve no less than 3 people.

4.2.2 Determination of Development Application

Any DA that is lodged where the applicant and/or landowner is a Council staff member or Councillor, the DA should be processed in the normal manner, which may include determination under delegated authority.

If one (1) or more of the following matters are triggered, the DA is to be referred to the elected Council for determination:

- the scale and extent of the DA lodged e.g., pergola / pool vs larger commercial proposal,
- the proposed DA seeks a substantial variation to any performance based DCP or Council's Local Environmental Plan or policy,
- the proposed DA creates significant public interest and/ or large numbers of submissions,

- the applicant and/or landowner is a staff member within the Planning and Development Team unless otherwise deemed exempt by the Director of Infrastructure and Environment, and
- the extent of any public perception of a possible conflict of interest that may exist between the DA lodged and the applicant's and/ or landowner's relationship with the Planning and Development Team (i.e., relevant assessment staff).

5. IMPLEMENTATION

The following Council officers are responsible for the implementation and the adherence to this policy.

5.1 Roles and Responsibilities

This policy is to be implemented by the Director Infrastructure and Environment.

Council employees shall refrain from personal activities that would conflict with proper execution and management this policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

Elected members who become aware of a development they have an interest in (as defined in this policy) should advise the General Manager in writing as soon as practicable.

Council employees who become aware of a development they have an interest in (as defined in this policy) should advise the Director Infrastructure and Environment in writing as soon as practicable.

5.2 Communication

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

6. ASSOCIATED DOCUMENTS

The following documentation is to be read in conjunction with this policy.

Code of Conduct Policy

The following include conflict of interest provisions that may apply in addition to this policy:

- Council's Code of Conduct Policy (adopted under section 440 of the *Local government Act 1993*)
- Building and Development Certifiers Act 2018 (particularly Part 3)
- Building and Development Certifiers Regulation 2020 (including the Code of Conduct in Schedule 5)
- Practice Standard for Registered Certifiers (published by NSW Fair Trading for the purposes of clause 9 of the *Building and Development Certifiers Regulation 2020*).

7. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Director Infrastructure and Environment is responsible for the review of this policy.

8. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following legislation and statutory instruments subordinate to them:

- Environmental Planning and Assessment Act 1979
- Local Government Act 1993
- Building and Development Certifiers Act 2018

9. DEFINITIONS

Application means an application for consent under Part 4 of the Act to carry out development and includes an application for a complying development certificate and an application to modify a development consent.

Council means Broken Hill City Council.

Council-related development means development for which the Council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority.

Development process means application, assessment, determination, and enforcement.

The Act means the *Environmental Planning and Assessment Act 1979*.

Development has the same meaning as in the Act

Note: At the time of publication, Section 1.5 of the reads:

- (1) For the purposes of this Act, **development** is any of the following—
- (a) the use of land,
 - (b) the subdivision of land,
 - (c) the erection of a building,
 - (d) the carrying out of a work,
 - (e) the demolition of a building or work,
 - (f) any other act, matter or thing that may be controlled by an environmental planning instrument.
- (2) However, development does not include any act, matter or thing excluded by the regulations (either generally for the purposes of this Act or only for the purposes of specified provisions of this Act).
- (3) For the purposes of this Act, the carrying out of development is the doing of the acts, matters or things referred to in subsection (1).

Relevant staff means staff with delegation and/or authority to carry out Council's regulatory, compliance and enforcement functions with respect to development.

A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy.

Appendix A – Specific controls for assessment and determination of

Assessment & Determination Criteria		
Category of DA where Council is the both the applicant and landowner, or where Council has an interest on the land	Assessment	Determination
<p>MINOR DA</p> <p>Minor DAs refers to development that is small scale, routine operational and/or non-controversial.</p> <p>The determination of “minor DA” shall be made after consideration of the following criteria, at the discretion of the General Manager:</p> <ul style="list-style-type: none"> • The estimated value of the works to be undertaken. • The potential impact on surrounding residential amenity associated with the proposed development. • The consistency of the proposed works with an existing Council management plan or strategy. • Whether proposal involves any substantial variations from existing Council policy, DCP or Local Environmental Plan. • Whether the proposal will lead to any financial benefit for Council. • Council-related development with a construction value less than \$2M <p>Examples include replacement of amenities block, or internal refurbishment of a building.</p>	<p>Assessment must be undertaken by Council staff not involved in the preparation of the application and assessment to be peer reviewed by immediate supervisor.</p> <p>A management statement to be prepared and exhibited with the DA for 28 days.</p>	<p>Determination under delegation</p>
<p>ROUTINE DA (not minor)</p> <p>Council-related development with a construction value exceeding \$2M</p>	<p>Engage independent town planning consultant/s for the formulation of the statement of environmental effects.</p> <p>Engage an independent town</p>	<p>Report to Council for determination.</p>

	<p>planning consultant for the assessment of development application.</p> <p>Management statement to be prepared and exhibited with the DA for 28 days.</p>	
<p>MAJOR DA</p> <p>Major DA refer to development that is large scale, significant and/or controversial.</p> <p>The determination of a “major” DA shall be made after consideration of the following criteria, at the discretion of the General Manager:</p> <ul style="list-style-type: none"> • The estimated value of the development to be undertaken. • If the DA is classified as Regional Development. • The potential impact on surrounding residential amenity associated with the proposed development. • The consistency of the proposed development with an existing Council Management Plan or strategy. • Whether the proposed development involves any substantial variations from an existing Council policy; and • Whether the proposal will lead to financial benefit for Council. <p>Examples: New industrial estates, new community facilities and libraries.</p>	<p>Engage independent town planning consultant/s for the formulation of the statement of environmental effects in the case of a major DA or regional development.</p> <p>Engage an independent town planning consultant for the assessment of development application in the event of a contentious DA and/or regional significant development.</p> <p>Management statement to be prepared and exhibited with the development application for 28 days.</p>	<p>Report to Council for determination; or</p> <p>Determination by Regional Planning Panel if the capital Investment Value is over \$5M, in accordance with Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021.</p> <p>All regional significant applications MUST be independently assessed by independent Town Planning Consultant.</p>

Appendix B – Management Statement Template

The management statement must be published on Council's DA Tracker (or NSW Planning Portal if mandated).

Council Conflict of Interest Management Statement	
Project Name	
Project Address	
DA/PAN Number	
Potential Conflict	
Management Strategy	<p><i>The strategy could include (examples only):</i></p> <ul style="list-style-type: none"> • <i>the DA to be peer reviewed,</i> • <i>assessment staff is not involved in project team,</i> • <i>independent assessment,</i> • <i>determination by Regional Planning Panel</i> • <i>key milestones post determination reported to Council and published.</i>
Contact	<p>Anyone with concerns about Council fulfilling its obligations should report their concerns in writing to Broken Hill City Council via council@brokenhill.nsw.gov.au or post PO Box 448, Broken Hill NSW 2880.</p>

Note: The following is an example of a statement that could be published by council to document its proposed management approach in a particular circumstance.

Scenario

BlueStar Council is upgrading one of their assets, 'Blue River Civic Place'. Council is the landowner and the applicant and is proposing to redevelop the site into a mixed-use development with a total capital investment value (CIV) of \$4.9 million. The development application seeks approval for the construction and use of an additional 2 storeys on an existing 3 storey building comprising a childcare centre, commercial office spaces and partial use of the building for council's public administration.

Example management statement

Council conflict of interest management statement	
Project name	Blue River Civic Place
DA number	DA21/0001
Potential conflict	BlueStar Council is the applicant. Blue River Civic Place has an estimated capital investment value of \$4.9 million and the council expects to receive revenue through renting commercial office spaces.
Management strategy	<p>The council is managing potential conflicts of interest in this matter as follows:</p> <ul style="list-style-type: none"> • The application will be referred to the local planning panel to determine the development application. • Council development assessment staff not involved with preparing the application will assess the DA. The staff will remain separated from the project team. • A private certifier will be engaged to undertake the certification for the development. • Green Hill Council has agreed to peer review any regulatory decisions should compliance decisions be made. • Key project milestones following the development consent will be reported at a public council meeting.
Contact	Anyone with concerns about council fulfilling its obligations should report their concerns to the council.

ORDINARY MEETING OF THE COUNCIL

October 2, 2024

ITEM 12BROKEN HILL CITY COUNCIL REPORT NO. 159/24SUBJECT: SECTION 355 ADVISORY AND ASSET COMMITTEE D24/48279
FRAMEWORK**recommendation**

1. That Broken Hill City Council Report No. 159/24 dated October 2, 2024, be received.
2. That Council adopt the Section 355 Asset Committee Manual.
3. That Council adopt the Section 355 Advisory Committee Manual.
4. That Council adopt the Constitutions for the following Section 355 Committees – Ageing Well Advisory Committee, Broken Hill City Art Gallery Advisory Committee, E.T. Lamb Memorial Oval Community Committee, Memorial Oval Community Committee, Norm Fox Sporting Complex Community Committee, Picton Sports Ground Community Committee and Youth Advisory Committee.
5. That Council invite nominations for committee membership on the inactive Alma Oval Community Committee, from the following user groups: AFL Broken Hill, South Broken Hill Football Club, Barrier District Cricket League, South Broken Hill Cricket Club, and Alma Public School, in order to consider reestablishment in accordance with the draft S355 Asset Manual and draft Constitution of the Alma Oval Community.
6. That the Section 355 Alma Oval Community Committee be re-established subject to meeting committee management requirements as outlined in the Committee Constitution and that a Councillor representative be nominated.
7. That should insufficient nominations be received for committee management of the Alma Oval Community Committee, then the Committee be formally disbanded and the care, maintenance and management remain under the control of Council operations.
8. That the draft Constitution of the Alma Oval Community Committee be adopted for use, in the event that a management committee can be formed.
9. That as per Council's Extraordinary Meeting held 09 October 2024 Minute No. 1 the Constitution of Section 355 Broken Hill Heritage Committee remain under review, with recommendations to be provided to Council at a later date.
10. That all previous Frameworks and Constitutions become obsolete and removed from Council's website.
11. That all adopted S355 Manuals and Constitutions be uploaded to Council's website.
12. That Council invite applications for Committee membership in accordance with all adopted Constitutions.

13. That Council write and express its gratitude to all existing Committee members for their contributions to Council and the community over the previous term and invite them to re-nominate for the new term of Council.

Executive Summary:

In accordance with Section 355 of the *Local Government Act 1993* Council has previously established Committees to assist Council with the operation, management and maintenance of its parks, ovals and reserves, maximising community use of the facilities (Section 355 Asset Committees) and also established Committees to provide advice on specific areas of interest to Council (Section 355 Advisory Committees).

There are nine Section 355 committees which include five Asset Committees and four Advisory Committees:

Asset Committees:

1. Alma Oval Community Committee (temporarily disbanded)
2. E.T. Lamb Memorial Oval Community Committee
3. Memorial Oval Community Committee
4. Norm Fox Sporting Complex Community Committee
5. Picton Sportsground Community Committee

Advisory Committees:

1. Ageing Well Advisory Committee
2. Broken Hill Heritage Advisory Committee (Constitution under review)
3. Broken Hill City Art Gallery Advisory Committee
4. Youth Advisory Committee

As per Council's Extraordinary meeting held 09 October 2024 (Minute No 2) the Constitution of the S355 Broken Hill Heritage Advisory Committee is currently under review with recommendations to be provided to Council at a later date.

The Report advises Council of the temporary disbanding of the Alma Oval Community Committee as resolved by Council at its Meeting held 26 July 2023 Minute No 47258 due to the resignation of committee members rendering an incapacity to manage the Asset.

Council's adopted Asset and Advisory Committee Frameworks and Constitutions form the governance structure by which Committees operate. Membership on each committee forms part of the Constitution and includes the number of community representatives, stakeholder representatives (if any), Councillor Representatives and Council staff representatives required for each Committee to function effectively.

Report:

A service review of Council's Section 355 Asset Committees was conducted in August 2023 by Local Government specialists Morrison Low, with findings from the report endorsed at the November 2023 Audit, Risk and Improvement Committee meeting.

Council appointed Councillor representation to all committees at its Extraordinary Meeting held 09 October 2024.

Council will commence advertising for community membership for all Committees following resolution of Council at its Ordinary Meeting on 30 October 2024.

To ensure that the committee members can fulfil their obligations to Council, Council must provide committees with a structure, framework and constitutions in order to fulfil those obligations.

The Asset and Advisory Manuals, Constitutions, procedures and templates have undergone a detailed review with all relevant staff across impacted units to ensure that information contained within and provided to new Committee members is relevant, current and easily understandable.

The Manuals detail information on governance structures, committee establishment, membership, how the committees are to operate, meeting procedures, reporting requirements, risk management, finance and insurance information where relevant, and information relevant to Council's requirements for the management, maintenance and hiring of asset/facility where relevant.

All Constitutions have been reviewed and updated to provide consistency across all Section 355 Committees, but to also allow individual committee delegations to be clearly identified. Constitutions provide the committees with a compulsory set of rules in undertaking their functions on behalf of Council, details surrounding their membership including the role of the executive, standard administrative processes and procedures and their accountability to Council. Asset Committee's Constitutions also helpfully contain a table detailing a list of Council responsibilities and those tasks to be undertaken by Committees.

It is recommended that Council adopt the reviewed Section 355 Asset Committee Manual, the Section 355 Advisory Committee Manual and the Constitutions for each of the eight Committees, as attached. This will also make any previous Committee Frameworks and Constitutions obsolete and they will be removed from Council's website.

Once the documents have been adopted, they will be provided to all Committees at their initial meetings whereby a Section 355 induction will also be completed for all members.

Alma Oval Community Committee

Council is reminded of the temporary disbanding of the Alma Oval Community Committee as resolved by Council at its Meeting held 26 July 2023 (Minute No 47258) due to the resignation of Committee members rendering the incapacity to effectively manage the asset.

Council resolved at that meeting:

4. That Council temporarily disbands the Alma Oval Community Committee due to a lack of community representatives and brings the care, maintenance and management of the Alma Oval under the control of Council operations, pending the completion of the Service Review of S355 Community Committees and presentation of the final report and recommendations to the Audit, Risk and Improvement Committee and Council; and until a decision is made on the future of the S355 Alma Oval Community Committee.

Further detail as stated in the report included:

Current Situation

A Service Review of S355 Community Committee's is currently being undertaken by external consultants, with the final report to be presented to Council's Audit, Risk & Improvement Committee and Council. In accordance with the timing of this review and no current membership on the committee, it is suggested that Council's decision into the future care, maintenance and control of the Alma Oval Community Committee be placed on hold in the interim, pending presentation of the final report for Service Review – S355 Asset Committees and any associated adopted actions.

The above mentioned service review found that interest be sought from the key user groups into the re-establishment of the Section 355 committee, those users being AFL Broken Hill, South Broken Hill Football Club, Barrier District Cricket League, South Broken Hill Cricket Club, and Alma Public School.

The recommendation in this report is to seek interest from the key user groups to re-establish the Section 355 Alma Oval Community Committee subject to meeting committee management requirements as outlined in the Committee Constitution and should insufficient membership nominations be received, the committee be formally disbanded.

Broken Hill Heritage Advisory Committee

Council resolved at its Extraordinary meeting held 09 October 2024 (Minute No 3)

7. *That Council reviews the Constitution of the S355 Broken Hill Heritage Advisory Committee, due to the original intent of the Committee (to oversee the organisation of the Broken Hill Heritage Festival) being no longer undertaken; and that Councillors not be appointed to the Committee at this stage.*

Framework Updates

Please note all documents have been formatted and include minor wording updates that do not alter the document context. Position titles have also been updated to align with Council's current Organisation Structure.

The following table highlights the key updates made:

DRAFT Section 355 Asset Committee Manual	
Section	Updates
Quality Control Table	Updated to reflect current review
1.7 Council Policies	Updated to reflect current relative Council Policies
2.4 What happens once a committee is established?	Updated to reflect new process by which Council staff will now call the first meeting of each Committee and details of Inductions included
3.2 Term of Membership	Table updated to include updated information per section 2.4
3.4 Membership Criteria	Updated to include new conditions required by volunteers in accordance with Council's Volunteer Management Framework
3.5 Membership Fees	Further defines the status of member as volunteers and they do not receive payments. Honorariums must be approved by Council resolution.
5. Council Structure	Updated to the current Organisational Structure
8.3 Repairs and Maintenance	Removed tasks table and advised to refer to committee constitutions for Council versus Committee responsibilities
10. Finance Information	Updated to include online banking. Council's Manager Finance to be added as a signatory on all committee bank accounts Reiteration of honorarium payments must be approved by Council Committees to provide Council with annual estimates of income and expenditure
10.2 Purchasing and Contracting	Process defined more clearly in accordance with Council's Procurement Framework and Policy
11. Legal Information	Included statement about records and correspondence being sent from the provided Council identified email address for record keeping purposes

12.4 Council identified Email Address	Section included around the provision of Council identified email addresses and its mandatory use
13. Risk Management	Section updated in accordance with Council's Enterprise Risk Management Framework
13.2 Covid 19	Section removed
13.5.1 Formal inspections	Process updated
14. Insurance	Clarifies insurances not provided to committee members by Council
14.8 Casual Hirers Insurance	Updated to include that insurance coverage is not automatically applied to booking; details must be provided to Council.
DRAFT Section 355 Advisory Committee Manual	
Section	Updates
Quality Control Table	Updated to reflect current review
1.7 Council Policies	Updated to reflect current relative Council policies
2.4 What happens once a committee is established?	Updated to reflect new process by which Council staff will now call the first meeting of each Committee and details of Inductions delivery included
3.2 Term of Membership	Table updated to include update information per section 2.4
3.3 Membership	Community Strategic Plan Round Table Committee information removed due to the committee being disbanded
3.4 Membership Criteria	Updated to include new conditions required by volunteers in accordance with Council's Volunteer Management Framework
4. Committee Structure	Treasurer removed – not applicable to Advisory Committees
5. Council Structure	Updated to the current Organisational Structure
8. Legal Information	Included statement about records and correspondence being sent from the provided Council identified email address for record keeping purposes
9.4 Council identified Email Address	Section included around the provision of Council identified email addresses and its mandatory use
9.5 Signatures	Removed – Committees do not prepare correspondence on behalf of the Mayor or General Manager
9.10 Marketing and Promotion	Removed not relevant to Advisory Committees
10. Risk Management	Section updated in accordance with Council's Enterprise Risk Management Framework
11. Insurance	Clarifies insurances not provided to committee members by Council. Casual

	Hirers insurance removed – not applicable to Advisory Committees
12.9 Pecuniary Interest 12.10 Declaration of Interests 12.11 Conflicts of interest	Removed – Information is provided in sections 8.5, 8.6 and 8.7
12.11.3	Treasurer removed – not applicable to Advisory Committees
Constitutions	
DRAFT Constitution of the Broken Hill City Art Gallery Advisory Committee	
Section	Updates
Quality Control Table	Updated to reflect current review
3. Committee Asset Location and Address	Revised to Council's PO Box unless otherwise advised
7. Structure and Membership	Revised wording to define minimum membership is 4 members and provided ideal membership structure
DRAFT Ageing Well Advisory Committee Terms of Reference	
Section	Updates
Quality Control Table	Updated to reflect current review
2. Committee Name	Updated to include 'Advisory' in the Committee Name
4. Committee Delegation	Updated to reflect the advisory role of the committee and its purpose
6. Structure and Membership	Revised wording to define minimum membership is 4 members and provided ideal membership structure
DRAFT Constitution of the Alma Oval Community Committee	
Section	Updates
Quality Control Table	Updated to reflect current review
2. Committee Objective	Updated section 2.3 to include the use of Outlook Calendar in the bookings of the facility
4. Committee Asset Location and Address	Revised to Council's PO Box unless otherwise advised
6. Restriction of Delegation	Section 6.8 updated to reflect Committee membership status is voluntary. Honorarium payments can only be approved by Council
7. Committee Vs Council Responsibilities	Minor updates/ further definition of responsibilities
8. Structure and Membership	Revised wording to define minimum membership is 4 members and provided ideal membership structure. Note only regular users will be invited to join this committee nil community members.
DRAFT Constitution of the E.T. Lamb Memorial Oval Community Committee	
Section	Updates
Quality Control Table	Updated to reflect current review
2. Committee Objective	Updated section 2.3 to include the use of Outlook Calendar in the bookings of the facility

4. Committee Asset Location and Address	Revised to Council's PO Box unless otherwise advised
6. Restriction of Delegation	Section 6.8 updated to reflect Committee membership status is voluntary. Honorarium payments can only be approved by Council
7. Committee Vs Council Responsibilities	Minor updates/ further definition of responsibilities
8. Structure and Membership	Revised wording to define minimum membership is 4 members and provided ideal membership structure.
DRAFT Constitution of the Memorial Oval Community Committee	
Section	Updates
Quality Control Table	Updated to reflect current review
2. Committee Objective	Updated section 2.3 to include the use of Outlook Calendar in the bookings of the facility
4. Committee Asset Location and Address	Revised to Council's PO Box unless otherwise advised
6. Restriction of Delegation	Section 6.8 updated to reflect Committee membership status is voluntary. Honorarium payments can only be approved by Council
7. Committee Vs Council Responsibilities	Minor updates/ further definition of responsibilities
8. Structure and Membership	Revised wording to define minimum membership is 4 members and provided ideal membership structure.
DRAFT Constitution of the Norm Fox Sporting Complex Community Committee	
Section	Updates
Quality Control Table	Updated to reflect current review
2. Committee Objective	Updated section 2.3 to include the use of Outlook Calendar in the bookings of the facility
4. Committee Asset Location and Address	Revised to Council's PO Box unless otherwise advised
6. Restriction of Delegation	Section 6.8 updated to reflect Committee membership status is voluntary. Honorarium payments can only be approved by Council
7. Committee Vs Council Responsibilities	Minor updates/ further definition of responsibilities
8. Structure and Membership	Revised wording to define minimum membership is 4 members and provided ideal membership structure.
DRAFT Constitution of the Picton Sportsground Community Committee	
Section	Updates
Quality Control Table	Updated to reflect current review
2. Committee Objective	Updated section 2.3 to include the use of Outlook Calendar in the bookings of the facility

4. Committee Asset Location and Address	Revised to Council's PO Box unless otherwise advised
6. Restriction of Delegation	Section 6.8 updated to reflect Committee membership status is voluntary. Honorary payments can only be approved by Council
7. Committee Vs Council Responsibilities	Minor updates/ further definition of responsibilities
8. Structure and Membership	Revised wording to define minimum membership is 4 members and provided ideal membership structure.
DRAFT Youth Advisory Committee Terms of Reference	
Section	Updates
Quality Control Table	Updated to reflect current review
2. Committee Name	Updated to include 'Advisory' in the Committee Name
4. Committee Delegation	Updated to reflect the advisory role of the committee and its purpose
6. Structure and Membership	Revised wording to define minimum membership is 4 members and provided ideal membership structure

Strategic Direction:

Key Direction:	4. Our Leadership
Objective:	4.1 Openness and transparency in decision making
Strategy:	4.1.5 Support the organisation to operate within its legal framework

Relevant Legislation:

Section 355 *Local Government Act (Committees) 1993*

Section 377 *Local Government Act (Delegations) 1993*

The Model Code of Conduct for Local Council's in NSW (the Model Code of Conduct)

Financial Implications:

Volunteers perform a vital community service in assisting Council with the operation, management and maintenance of its parks, ovals and reserves and maximises community use of the facilities. Local volunteers have considerable extra knowledge through relationships built with users over time as well as an intimate knowledge of the site they manage.

Without such care and attention and involvement by community groups in their local facilities, assets would need to return to direct oversight by Council.

Advisory groups, as expected, advise on specific areas of interest to Council and comprise volunteers with special skills, interests and expertise related to the group to which they have nominated. They form an essential element in community representation in the provision of advice to Council in the latter's decision making.

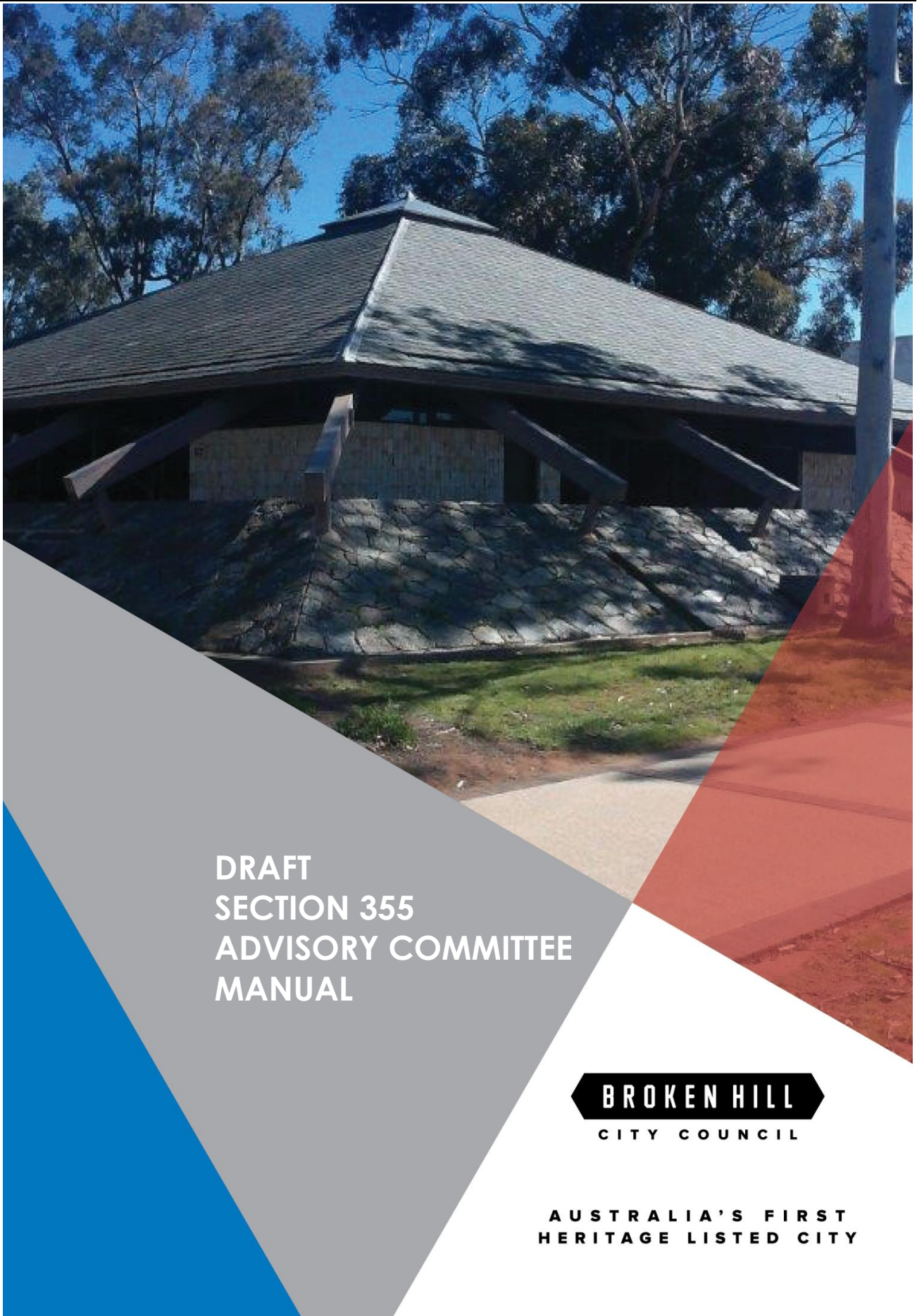
Attachments

1. [↓](#) DRAFT Section 355 Advisory Committee Manual
2. [↓](#) DRAFT Section 355 Asset Committee Manual
3. [↓](#) DRAFT Ageing Well Committee Terms of Reference
4. [↓](#) DRAFT Constitution of the Alma Oval Community Committee

5. [↓](#) DRAFT Constitution of the Broken Hill City Art Gallery Advisory Committee
6. [↓](#) DRAFT Constitution of the E.T. Lamb Memorial Oval Community Committee
7. [↓](#) DRAFT Constitution of the Memorial Oval Community Committee
8. [↓](#) DRAFT Constitution of the Norm Fox Sporting Complex Community Committee
9. [↓](#) DRAFT Constitution of the Picton Sportsground Community Committee
10. [↓](#) DRAFT Youth Advisory Committee Terms of Reference

RAZIJA NU'MAN
DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL
GENERAL MANAGER



**DRAFT
SECTION 355
ADVISORY COMMITTEE
MANUAL**



**AUSTRALIA'S FIRST
HERITAGE LISTED CITY**

QUALITY CONTROL		
KEY DIRECTION	4 Our Leadership	
OBJECTIVE	4.1 Openness and transparency in decision making	
STRATEGY	4.1.5 Support the organisation to operate within its legal framework	
FILE REFERENCE No	11/9	TRIM No D13/14050
RESPONSIBLE OFFICER	Director Corporate and Community	
REVIEW DATE	October 2028	
DATE	ACTION	MINUTE No
D13/14050 Section 355 Advisory Committee Framework		
October 2012	Document Developed	N/A
23 January 2013	Adopted	44210
8 July 2013	Amended Section 6.5	N/A
D13/23463 Section 355 Advisory Committee Standard Constitution		
December 2013	Document Developed	N/A
18 December 2013	Adopted	44529
26 February 2014	Amendment to Schedule 1	44599
7 May 2014	Document Re-formatted	N/A
28 May 2015	Document Re-formatted and amended	
7 September 2015	Broken Hill Sister City Committee disbanded and removed from constitution	45089
22 February 2017	Broken Hill Regional Art Gallery constitution amended to include 3 additional community members	45473
D13/14050 and D13/23463 combined to D13/14050		
March	Documents combined and revised	N/A
29 March 2017	Adopted	45508
March 2022	Document Revised	N/A
30 March 2022	Adopted	46795
October 2024	Document Revised	
NOTES	Copies of all plans and policies mentioned in this document are available by visiting Council's website www.brokenhill.nsw.gov.au	
ASSOCIATED LEGISLATION	Section 355 <i>Local Government Act 1993</i> (Committees) Section 377 <i>Local Government Act 1993</i> (Delegations) Section 441-443 <i>Local Government Act 1993</i> (Pecuniary Interest) <i>Disability Inclusion Act 2014</i>	



	Legislation can be found www.legislation.nsw.gov.au
ASSOCIATED COUNCIL POLICIES	<ul style="list-style-type: none"> • Alcohol and Other Drugs Policy* • Acquisition and Loan of Objects Relating to Cultural Heritage • Asset Management • Broken Hill City Art Gallery Collection Management Policy • Broken Hill City Art Gallery Reporting Procedures • Code of Conduct Policy • Code of Meeting Practice • Community Assistance Grant Policy • Disposal of Assets Policy • Enterprise Risk Management Policy • Enterprise Risk Management Framework • Equal Employment Opportunity Policy • Grievance Policy and Procedure • Procurement Framework and Policy • Public Art Policy • Records Management Policy • Volunteers Policy • Working in Extreme Weather Conditions Policy • Workplace Smoking Policy • Workplace Health and Safety Policy
ASSOCIATED DOCUMENTS	<p>Draft Community Strategic Plan 2040 Long Term Financial Plan 2017-2026 Draft Delivery Program 2022-2026 Schedule of Fees and Charges (current year) Committee Constitution Section 355 Committee Template Guide</p>



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1. INTRODUCTION

1.1 What is the Section 355 Advisory Committee Framework?

The Section 355 Advisory Committee Framework is a comprehensive suite of documents that together provides the rules and guidelines by which a committee must abide.

The Section 355 Advisory Committee Framework includes:

- Section 355 Advisory Committee Manual;
- Committee Constitutions; and
- Section 355 Committee Template Guide.

1.2 The Section 355 Advisory Committee Manual

The Section 355 Advisory Committee Manual outlines:

- Clear and concise guidelines to assist committees to adequately carry out their duties on behalf of Council;
- Functions and operations of community facilities and programs; and
- Clarifies Council's and committee member's roles in this partnership.

Upon Council's formal establishment of a Section 355 Committee and appointment of committee memberships, all committee members are required to adhere to the conditions set out in the Framework.

The provisions of the Framework after its initial adoption by Council may only be varied or amended by Council resolution.

1.3 The Committee Constitutions

Council sets out its delegation of the Committee in a Constitution or Terms of Reference formally adopted/ amended at a formal meeting of Council.

Constitutions and Terms of Reference will be reviewed by Council following each Local Government General Election, by Council resolution, at the request of the Committee or at the discretion of the General Manager.

1.4 The Section 355 Committee Template Guide

The Section 355 Committee Template Guide applies to both Asset and Advisory Committees, and provides an overview of the following templates for the committees use:

- Nomination Form
- Ordinary and Extraordinary Meeting Agenda
- Annual General Meeting Agenda
- Ordinary and Extraordinary Meeting Minutes
- Annual General Meeting Minutes
- Annual Report
- Annual Financial Report
- Quarterly BAS and GST Form
- End of Term Report
- Works Request Form
- Hazard Checklist
- Injury/Incident/ Near Miss Report Form
- S355 Managed Venue Booking Application and Agreement

1.5 Scope

This Framework applies to all Section 355 Advisory Committees.

1.6 Legislative Requirements

There are a number of legislative requirements to which Section 355 Committees of Council must adhere.

- Section 355 *Local Government Act* (Committees)
- Section 377 *Local Government Act* (Delegations)
- Section 441-443 *Local Government Act* (Pecuniary Interest)

Related Legislation can be viewed by visiting www.legislation.nsw.gov.au

1.7 Council Policies

All committee members must adhere to Council adopted policies including:

- Acquisition and Loan of Objects Relating to Cultural Heritage
- Alcohol and Other Drugs Policy *
- Asset Management
- Broken Hill Regional Art Gallery Reporting Procedures
- Code of Conduct Policy
- Code of Meeting Practice
- Community Assistance Grant Policy
- Disposal of Assets Policy
- Enterprise Risk Management Framework and Policy
- Equal Employment Opportunity Policy*
- Grievance Policy and Procedure
- Procurement Framework and Policy
- Public Art Policy
- Records Management Policy
- Volunteers Policy
- Working in Extreme Weather Conditions Policy*
- Workplace Smoking Policy*
- Workplace Health and Safety Policy*

Council policies are available on Council's website www.brokenhill.nsw.gov.au

* Policies are internal facing only and will be provided to all Committee members in their Section 355 induction packs.

1.8 Code of Conduct

All committee members must abide by Council's Code of Conduct.

A copy of Council's Code of Conduct will be provided to all committee members at the commencement of their term of office. On the occasion that Council reviews and amends this document, revised copies will be provided to all committee members.

1.9 Community Strategic Plan

This Framework supports the objectives of the Community Strategic Plan in outlining the community's priorities and aspirations for the City's future.

The Community Strategic Plan – *Your Broken Hill 2040*, is available on Council's website www.brokenhill.nsw.gov.au

2. WHAT IS A COMMITTEE?

2.1 What is a Section 335 Committee?

A Section 355 Committee is a committee established under Section 355 of the *Local Government Act 1993 (the Act)*, to assist Council with the operation and maintenance of various Council facilities and services.

Under the *Act* Council is able to delegate some of its functions to a Committee of Council. Council uses this delegation and appoints community members to manage its facilities or functions through a Section 355 Committee.

Section 355 allows Council to exercise a function of Council and Section 377 allows Council to delegate its functions.

2.2 Why Does Council Have Section 355 Advisory Committees?

Committees provide a mechanism by which interested persons can have an active role in the provision/management of Council facilities or services. This provides a two-fold benefit by giving protection to the Committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions.

As the Committees are acting on behalf of Council, it is important to uphold the principles of equity, accessibility, participation and inclusivity, providing for the whole community.

The purpose of each Advisory Committee is to advise Council on the views, needs and interests of particular communities in the Broken Hill Local Government Area (LGA).

Committee Members drawn from the community have experience or expertise in the areas defined by their committee of interest and commit themselves to Advisory Committee responsibilities.

2.3 How are Section 355 Advisory Committees Established?

Committees are established under Section 355 of the *Act*, with delegations from Council under the provision of Section 377 of the *Act*.

Requests for new committees must be presented to Council with a Business Plan for consideration.

Committees are established by resolution of Council. The formation of Committees is entirely at the discretion of Council.

All Councillor Representatives must be formally appointed by Council.

All Community Representatives must be formally appointed by Council.

2.4 What happens once a committee is established?

Council will call the initial meeting of the Committee, at which all members will be inducted, and the Committee's Executive will be elected and appointed.

Council will provide further inductions, inclusive of Governance, Information Services, and Risk to the elected executives to ensure a thorough and mutual understanding of delegated functions and committee objectives.

2.5 Committee Review

Review of all Section 355 Committees and their structures will be conducted annually in September following presentation of the Committees Annual Reports .

Failure to adhere to and comply with the Section 355 Advisory Committee Framework will result in an internal investigation into the operations and conduct of the committee with a full report and recommendation presented to Council.

Committees must be mindful that Council have the authority to disband any non-functioning Committee.

2.6 Committee Disbanding

Council, by resolution, can disband a committee at any time for any reason, including:

- To carry out the control of the facility itself.
- If the Committee is not complying with the roles and responsibilities of the Committee;
or
- That it no longer requires a committee for the purpose for which it was established.

In the event of membership reducing to fewer than four (4) persons or quorum, Council has established the following guidelines to address this issue:

- if a committee chooses to remain active, it is given six (6) months to re-establish a viable membership (i.e., minimum of four (4) members); or
- if a committee or facility becomes inactive or inoperable, the Committee will be dissolved and all responsibilities will be taken over by the designated Council department (in this instance, consideration will need to be given to the long-term viability of the facility or function).

The Committee can also recommend to Council that the Committee be disbanded. Upon the Committee being disbanded, assets and funds of the Committee shall, after payment of expenses and liability, be handed over to Council.

Committee members are eligible for re-appointment to committees. Council will advertise for and receive nominations and present nominations to Council per standard practice.

3. COMMITTEE MEMBERSHIP

Council aims to appoint Committees which are representative of the local community or interest group of the particular service/facility.

3.1 When are committees appointed?

Committees are appointed every four (4) years, within six (6) months of a Local Government General Election.

3.2 Term of Membership

The term of a committee is the same term as the elected Council.

Members must nominate for re-election following each Local Government General Election if they wish to remain on the committee.

A calendar of events is shown below:

ACTION	TIMEFRAME
Letter to committee secretaries advising of: <ul style="list-style-type: none"> • upcoming elections • upcoming declaration of vacant positions • provision of nomination form for interested existing members to renominate for a position. 	August
Committees enter a caretaker mode in accordance with Council's business operations until such time as new committee membership is adopted, and a new executive is elected.	August
Local Government Election.	September
First Council Meeting of the newly elected Council.	October
All councillor representatives formally appointed by Council.	October
S355 Manuals and Constitution are adopted.	October
Advertise for community representation on the Committee after the Local Government Election.	From October
All community representatives must be formally appointed by Council.	October – March*
Council will call the initial meeting of the Committee, at which all members will be inducted, and the Committee's Executive will be elected and appointed. Council will provide further inductions, inclusive of Governance, Information Services, Assets, Finance and Risk to the elected executives to ensure a thorough and mutual understanding of delegated functions and committee objectives.	October – March

* If insufficient nominations are received, Council will advertise again for nominations. If sufficient nominations are received, actions may be completed earlier.

3.3 Membership

The Committee membership should generally reflect community members with an interest in the committee area, demonstrated experience and expertise in the specific tasks assigned to each committee.

The Committee shall generally consist of:

- A number of community representatives as detailed in the committee constitution.
- Councillor representatives appointed by Council annually in September.

3.4 Membership Criteria

To hold office, be responsible for the advisory service management of a Council facility or service and be entitled to vote and take part in meetings, all applicants will be assessed against a set of criteria and appointed by Council.

The criteria is:

- Be aged 18 years or over; and
- Have established ties to the Broken Hill community, and
- Be a resident of the local government area (LGA); or if not a resident, be able to demonstrate an interest in the objectives of the committee and ability to attend committee meetings to the satisfaction of Council; and
- Have relevant experience;
- Demonstrated expertise in heritage, arts, event planning, and/or governance experience;
- A commitment to the activities of the Committee and a willingness to be actively involved in Committee issues is essential;
- A National Police Clearance is required for all Council Volunteers; and
- Council may require medical clearance in order for volunteers to complete some tasks.

Council must also appoint new members before they are able to vote and take part in meetings of the Committee.

3.5 Membership Fees

Members of Committees are volunteers and therefore do not receive payment for services.

Fees are not to be charged for membership of the Committee.

3.6 Member Vacation of Office

A person shall cease to be a member of a Committee if the:

- Member becomes bankrupt;
- Member resigns from office by notification in writing to the Committee and Council;
- Member is absent for three (3) consecutive meetings without leave from meetings of the Committee;
- Council passes a resolution to remove the member from the Committee;
- If the member fails to comply with Council's Code of Conduct;
- Member holds any office of profit under the Committee;
- Member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter and for the purposes of this provision "pecuniary interest" has the same meaning given to that term in Section 442 of the Act;

- Member while holding that office is convicted of an offence referred to part 4 of the *Crimes Act 1900* (offences relating to property);
- While serving a sentence (whether or not by way of periodic detention) for a felony or other offence, except a sentence imposed for a failure to pay a fine;
- Member is prohibited by Order under Section 230 of the Corporations Law from managing a corporation within the meaning of that Section;
- Member becomes a mentally incapacitated person; or
- Upon the death of a member.

Resignations, or a committee member ceasing to hold office because of any one of the above circumstances, will be reported to Council for information and any action if required.

3.7 Procedure for Resigning from the Committee

Where a member of a committee resigns a written resignation will be presented to the Committee and forwarded to the General Manager.

Upon receipt of a resignation from a committee member, Council will call for nominations for the committee vacancy in the community and any nominations received will be presented at the next available Council meeting for appointment.

3.8 Committee Member Rights

All committee members have the right:

- To work in a healthy and safe environment;
- To be adequately covered by insurance; and
- To be provided with sufficient training to undertake their role.

4. COMMITTEE STRUCTURE

4.1 How is a committee structured?

Committees consist of office bearers (also known as the Executive) and other Committee members. The Committee elects their own office bearers at its first meeting of the committee term and thereafter at each Annual General Meeting.

Office bearers are elected for a 12-month period. Particulars of all appointments must be notified in writing to Council as soon as possible after appointment is made, including committee position, name, address, contact details and the user group represented (if any).

The Committee Executive will consist of:

- Chairperson
- Deputy Chairperson
- Secretary

A maximum of two relatives of any one family can be office bearers on the same Committee at the same time.

Each member of the Executive shall hold the position on the Executive for a period of 12 months from the date of the appointment at the Annual General Meeting or on the expiration of the Constitution, whichever occurs first.

4.2 Committee roles and responsibilities

The Executive do not have greater decision-making powers than other Committee members, other than the Chairperson who has a casting vote in the event of a tied vote.

Whilst the Executive usually have defined roles, each Committee member plays an important part in the functioning of the Committee. Office bearers must have access to a computer/ device, have basic computer skills and be able to use email as a major form of communication.

Where a Councillor is a member of the Committee and that Councillor indicates that he or she wishes to be Chair of the Committee, that Councillor shall be the Chair of the Committee. Where no Councillor expresses a desire to be Chair of the Committee any other member of the Committee willing to accept appointment as Chair of the Committee, may, by a vote of the majority of the members of the Committee, be appointed Chair of the Committee.

4.2.1 Chairperson

The Chairperson (or Deputy Chairperson) is responsible for:

- Chairing meetings of the Committee;
- Acting as the official representative of the Committee;
- Acting on behalf of the Committee in an emergency or urgent situation;
- Assisting in direction, forward planning and vision for the committee; and
- Further specific meeting related tasks as outlined in Section 12.11.1 "Roles of the Executive - Chairperson".

4.2.2 Deputy Chairperson

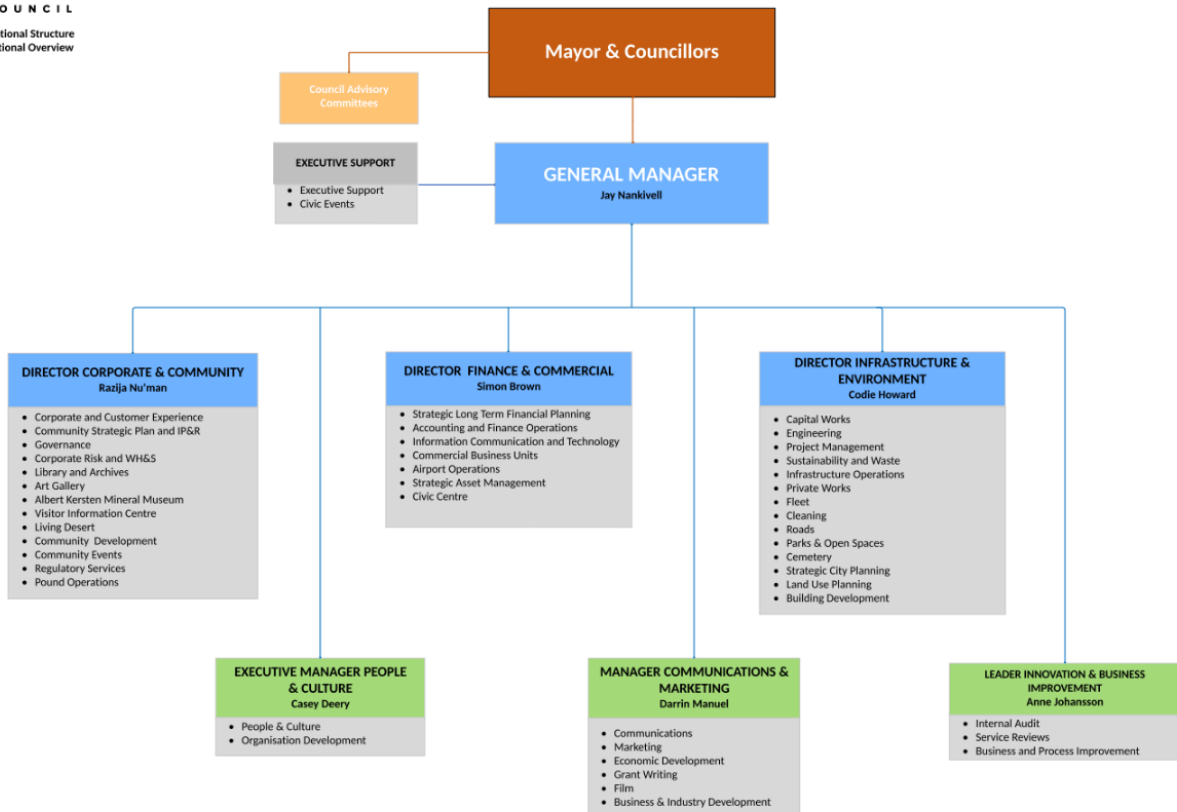
The Deputy Chairperson is to undertake the role of the Chairperson if the Chairperson is not available, and those responsibilities outlined in 4.2.1 Chairperson.

4.2.3 Secretary

The Secretary is responsible for:

- Correspondence to and from the Committee;
- Notifying all members of meetings;
- Issuing the Agenda with any instructions from the Chairperson;
- Taking and distributing meeting minutes;
- Forwarding minutes and reports to Council;
- Ensuring there is a flow of information to and from the Committee;
- Ensuring that official files and records are kept and maintained;
- Assisting the Chairperson with finalisation of Annual and Term Reports;
- Further specific meeting related tasks as outlined in Section 12.11.2 "Roles of the Executive - Secretary";
- Liaise with all booking applicants;
- Arrange all booking forms and ensure they are completed as required; and
- Arrange payment of all bookings, including any refunds of booking bonds;

5. COUNCIL STRUCTURE



5.1 Council Staff Roles and Responsibilities

5.1.1 General Manager

The General Manager is responsible for:

- The efficient and effective operation of Council's organisation;
- The oversight of all functions and Committees of Council;
- Ensuring the implementation, without undue delay, of Council decisions;
- To manage Council on a day-to-day basis and to direct staff; and
- To exercise such of the functions of Council as are delegated by Council to the General Manager

5.1.2 Ex-officio Members

The General Manager may appoint at least one Council Officer (Committee specific Council Officer) to serve as ex-officio (non-voting) members of each committee to provide advice to the Executive, where requested by the Committee or at the discretion of the General Manager. The ex-officio member may change at any time.

5.1.3 Council Public Officer

The Public Officer:

- May deal with requests from the public concerning Council's affairs;
- Has the responsibility of assisting people to gain access to public documents of Council;
- May receive submissions made to Council;
- May accept service of documents on behalf of Council;
- May represent Council in any legal or other proceedings;
- Has such other functions as may be conferred or imposed on the Public Officer by the General Manager or by or under the Act; and
- Is subject to the direction of the General Manager.

5.1.4 Council Contact Officer

Council will assign all Committees a Council Officer to act as a Contact Officer, who will be responsible for:

- Developing, implementing and maintaining the Committee Framework;
- Advertising for nominations to the Committees;
- Providing overall direction and advice to the management of Committees;
- Organising and providing induction to Committees;
- Organising ongoing training and development to Committees;
- Developing tools and templates to assist the operations of Committees; and
- Act as a single point of contact at Council to liaise internally with other relevant staff regarding:
 - Specialised/technical advice to the Committees; and
 - Purchasing supplies for Committees

6. COUNCIL AND COMMITTEE RESPONSIBILITIES

6.1 Council Responsibilities

6.1.1 Induction Training

Council will provide all Committee members, as volunteers, an induction program, provided locally at no cost to the member.

Induction training will provide an overview of committees, member requirements and responsibilities, Council responsibilities, Code of Conduct, Risk and Insurance, Workplace Health and Safety, and any other information or topics Council deems relevant.

6.1.2 Ongoing Training

Ongoing training will be provided to all committee members as it is made available, whether provided by Council or a third party.

6.2 Advisory Committee Responsibilities

Committees are responsible for advising Council on the strategic direction and objectives related to the committee in which they are members.

7. FINANCE INFORMATION

7.1 Financial Arrangements

Council does not provide an annual financial operating subsidy to any Advisory Committee.

Committees are encouraged to recommend to Council events celebrating the heritage, arts and community sectors, subject to Council's approval.

8. LEGAL INFORMATION

8.1 Legal Issues

It is important for Committees to be aware that they are acting on Council's behalf. Legally, the Committee is "Council" and any action which the Committee undertakes is Council's responsibility.

Committees sometimes believe they are responsible in their own right and that their actions are independent of Council. This is not the situation. Council delegates its authority to the Committee to act on Council's behalf and Council can withdraw this delegation if deemed to be necessary.

8.2 Legal Action

The Committee is unable to enter into legal action.

8.3 Committee Record Keeping

The Australian Standard on Records Management (AS 4390-1996, Part 1. Clause 4.2.1) defines a record as recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity.

- No incoming or outgoing correspondence may be destroyed, with the exception of advertising material, newsletters, and magazines.
- Records should be stored in an area away from potential hazards, e.g., fuel, water, fire, vermin.
- Records should be stored in a secure location, e.g., locked cupboard or room.
- Release of original or photocopied records to any person, other than a current Committee member or an authorised Council officer, is prohibited.
- Access to records by persons other than current Committee members or an authorised officer of Council is prohibited.
- Request for access to records, for persons other than those stated above, must be made through Council's Public Officer.
- The Committee acknowledges it has a responsibility under the *Privacy and Personal Information Protection Act 1998* to protect the personal information and privacy of individuals in general. The Committee will not provide to any person other than a committee member any personal information unless it has been specifically collected for the purposes for which it is being requested. This includes contact details for a member of the Committee unless that member has agreed those details can be provided to members of the public.

Records of Committees, eg, minutes of meeting, reports, invoices, receipts etc. should be provided to Council as soon as possible.

Where possible all records and correspondence should be sent via the Council identified email address to ensure accurate record management.

Committees may keep electronic and paper copies of records for the duration of their term, but these should be secondary copies as the originals must be provided to Council's records management team via email council@brokenhill.nsw.gov.au.

The Committees need to be aware of the importance of minutes, because of their legal status and their liability for subpoena in court cases.

The Chairperson is required to sign the minutes of a meeting as the true record of proceedings of the meeting. The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members have said at the meeting, but there may be occasions when it is appropriate to record the context of the discussion.

The Chairperson and the Secretary are responsible for the form of the minutes for proper confirmation and must check that there have been no unauthorised alterations to those minutes. The motion to confirm the minutes can only be moved and seconded by a person in attendance at that meeting to which the minutes relate.

8.4 Intellectual Property

The Committee acknowledges and agrees:

- It is important for Council to develop, maintain, protect and manage the organisation's intellectual property including copyrights, trademarks, registered designs, patents and databases.
- The Committee, as a delegate of Council, has a duty to observe and help protect Council's intellectual property by not copying or supplying such property without the express permission of Council.
- Council retains ownership of all intellectual property created by Committee members in the course of their Committee work.
- The Committee refer to Council's Contact Officer, any questions relating to intellectual property rights or the use of another organisation's document.

8.5 Pecuniary Interest

Chapter 14 of the Act includes a new and separate framework for the handling of alleged breaches of the pecuniary interest provision of the Act.

The Act is about openness, accountability and transparency in decision making by Councils.

A Pecuniary Interest is one of financial benefit.

It is the responsibility of members of Committees:

- To disclose to the meeting any pecuniary interest in a matter before the meeting;
- Not to participate in the discussion of the matter before the committee in which the member has a pecuniary interest;
- Not to vote on the matter before the Committee meeting in which the member has a pecuniary interest.

A pecuniary interest does not exist where the interest is so remote or insignificant that it could reasonably be regarded as likely to influence any decision. The obligation to disclose is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.

8.6 Declaration of Interests

To protect individual members as well as the whole organisation, all committee members should declare their interests in advance. If a potential conflict arises, it should be declared as soon as possible. Where some financial, political or personal benefit is potentially involved, committee members should do one of the following:

- State their involvement in another organisation or business etc. and the committee should be aware of this;
- State their involvement and ask that they not take part in discussion or decisions about the issues where there could be conflict; and leave the meeting room while such issues are being considered;
- State their other involvements and ask that the group determine whether they stay involved, or how they can participate without compromise; and
- State their involvement and that they believe they should resign from the committee because of this conflict.

8.7 Conflict of Interest

A conflict of interest can arise when a member of the Committee has other involvements or interests which make it difficult for them to always remain impartial when involved in discussions and decision makings. These can include:

- Business or professional activities;
- Employment or accountability to other people or organisations;
- Membership of other community organisations or service providers; or
- Ownership of property or other assets.

The conflict may lead to:

- Financial benefit e.g., Sale of goods or privileged knowledge;
- Political benefit e.g., Gaining or losing electoral support; or
- Personal benefit e.g., Career advancement or increased standing in the community.
- Committee Members are required to adhere to Councils Code of Conduct.

8.8 Disputes

a) External

Where individual citizens or groups of citizens of the LGA disagree with a resolution of the Committee or actions of the Committee, these bodies have the right to refer their grievances in writing to the Committee for reconsideration.

Where the Committee refuses to alter its decision or actions, the individual resident or group of citizens from within the LGA may present their grievance to Council in writing, for reconsideration.

Where such notice in writing is referred to Council, Council will request a report on the issue from the Committee. Upon receipt of the report the matter will be referred to Council for resolution.

Upon Council adopting a resolution, the details of Council's deliberations will be advised to the Committee and the resident or group of citizens who referred the matter to Council.

b) Internal

All disputes between members of the Committee are to be resolved within the Committee where possible.

Where a dispute occurs within a committee the resolution of the majority of the Committee as a whole will determine the outcome, where this is not possible the Chairperson will have the casting vote.

There will be no right of appeal when the Committee has determined its resolution of a dispute; but where disputes are considered irreconcilable by the Committee, they will be referred to Council for resolution. Council's decision is final

9. CORPORATE INFORMATION AND SOCIAL MEDIA

9.1 Correspondence

Correspondence from the Committee is effectively correspondence from Council, as the Committee acts on Council's behalf. Hence stringent conditions are required to ensure appropriate use of Council's name and logo.

9.2 Letterhead

Council will provide Committees with a Section 335 Letterhead, for the use of committee correspondence.

9.3 Purpose of Correspondence

Usage of correspondence using Council logo and name, is limited to the activities of each specific authorised functional area of the committee and specifically limited to:

- Provision and seeking of information;
- Extension of invitation;
- Expressions of thanks;
- Seeking of sponsorship (after approval of General Manager);
- General correspondence not committing Council or making public comment; and
- Correspondence is to be signed by the Chairperson of the Committee, duly authorised by Council.

9.4 Council Identified Email Addresses

Secretaries of some Section 355 Advisory Committees will be provided with Council identified email addresses. This email address is to be used for all committee correspondence to officiate the correspondence and also comply with Council's record keeping requirements. The Committee Secretary will be responsible for the administration of the email address, an induction will be provided by Council.

9.5 Filing

Copies of correspondence from the Committee under Council's letterhead must be placed in Council's electronic document record management system within 1 day of the letter being sent. This can be achieved by forwarding copies of correspondence to Council via council@brokenhill.nsw.gov.au with the instruction: For record keeping purposes only.

9.6 Clerical Support

It is not the normal practice of Council to provide clerical support to Committees. A Committee may however apply for support and the General Manager will make a determination on whether assistance will be forthcoming.

In general terms, clerical support will only be offered if a Council employee is a member of the Committee, and the assistance is an extension of the employee's duties.

If support is offered, the level of assistance will be subject to negotiation between the Committee and Council and strict duties established. Council supports the principle that a committee should be self-reliant and provide its own office bearers.

9.7 Sub Committees

The Committee may appoint working groups to report back to the Committee. These "Sub Committees" can be made up of non-committee members, have no legal standing and must recommend back to the Committee for ratification.

Members of Sub Committees must be registered as volunteers and duly noted in Committee meeting minutes and will be covered in accordance with this policy.

9.8 Use of Council logo

Committees may use Council logo (subject to conditions).

- Use of Council logo MUST be approved prior to use.

Council's Contact Officer will provide all Committees with the appropriate file format, size and colour of the logo suitable for use. Events

Council encourages Advisory Committees to hold events showcasing the heritage, arts and community sectors their committee represents.

All events must be submitted to Council for review and approval prior to any event planning being finalised, advertising and community notification.

9.9 Social Media

Council's Social Media Policy and Social Media Guidelines apply to Section 355 Advisory Committee members.

10. RISK MANAGEMENT

10.1 General

Council is committed to providing a safe and healthy working environment for volunteers and the members of the public who use Council owned facilities, where risks are identified, assessed and eliminated or controlled. This will be achieved through identifying workplace hazards and implementing appropriate controls to reduce the level of risk to an acceptable level creating a safer, healthier workplace for all.

Council's risk management processes will be applied to ensure the safety and wellbeing of volunteers.

Council's Enterprise Risk Management Framework has been developed to ensure the appropriate documentation is kept to evidence the due diligence process and ensure all responsible steps are being taken to identify the risk to the committee and users of the facility.

Risk Management is a method of taking preventative and precautionary measures to avoid injury, loss and damage, to either persons or property. As a Committee of Council, the Committee has a duty of care to ensure the health, safety and welfare of persons using the facility. This involves regular maintenance, to keep the facility and grounds safe, clean and tidy, as well as a system of inspection to detect faults and hazards at an early stage.

Council and Committees, have a wide range of potential liability.

Liabilities can be based on statute and common law duties of care. To ensure compliance there must be appropriate policies, procedures and practices in place.

Copies of Council's Enterprise–Risk Management Framework can be made available by contacting Council.

10.2 Hazards

A hazard is a situation which could potentially cause injury to a person or damage to property. If a hazard requires urgent attention a warning should be placed near the hazard to alert users of the facility to the danger. Fire Protection

All Council facilities should be supplied with fire and safety equipment and information on how to use it. If this is not available Council must be notified immediately. Equipment will be inspected twice (2) annually by a professional qualified contractor. This is organised by Council's Strategic Assets Department.

10.3 Emergency Exits (Buildings)

All exits must be identified by an illuminated exit sign and inspected by a qualified contractor. Emergency exit routes must be kept clear at all times. Exit doors should not be barred or locked at any time while the facilities are in use.

11. INSURANCE

11.1 General

Council is committed to providing a fulfilling and beneficial volunteering experience for all volunteers. In meeting this commitment Council considers it is important to ensure that should volunteers injure themselves or cause a loss or damage to a third party, that they are provided with the protection of insurance to minimise any personal financial impact.

Council has the following insurances to cover volunteers while working:

- Personal Accident Insurance provides specified benefits for registered volunteers following accidental injury, disability or death, while carrying out their duties on behalf of Council, including the direct travel to and from voluntary work. The personal accident insurance does not cover any medical entitlement claimable under Medicare. In addition to this it does not respond to any Medicare "gap", being the difference between the payment made by Medicare and the Medicare Benefits Scheduled fee for the expense.
- Public Liability Insurance to cover Council for its legal liability to third parties, for personal injury or property damage caused by a Council registered volunteer.
- Motor Vehicle Comprehensive Insurance to cover Council vehicles driven by volunteers, for damage to the vehicle or to third party property. Volunteers using their own vehicle for volunteering activities, are required to maintain their own insurances.

Council does not provide the following insurances for volunteers:

- Personal Effects Insurance for loss or damage to a volunteer's personal effects
- Travel Insurance for local or overseas travel.
- It should be noted that all policies are subject to several conditions, imitations and exclusions contained within those policies, which are subject to change. For details of the current insurance provisions, please discuss with Council's Manager Enterprise Risk or Risk Team.

Volunteers are not covered by the *Workers Compensation Act 1987* and are therefore not entitled to Workers Compensation in respect of any injury suffered whilst working as a volunteer.

11.2 Notification

Council is committed to providing a safe and healthy working environment for volunteers. This will be achieved by management and volunteers working together, following a program of health and safety activities and procedures, which are monitored, reviewed and audited to achieve best practice. All incidents, including an event that causes harm to people, property or the environment, or a near miss, must be reported and investigated.

Council has a responsibility to notify its insurer as soon as a potential claim is known.

Committees may receive notifications from volunteers and its hirers either in writing, verbally or by observations, all incidents which may lead to a claim must be notified to council immediately the committee is made aware of the incident or claim.

It is the responsibility of the volunteer and volunteer's supervisor to ensure an incident report is completed within 24 hours of the incident. Reporting can be completed by the Incident/Hazard Reporting form and submitted to Council's Contact Officer.

In addition to ensuring the incident report has been completed volunteers and volunteer supervisors are responsible for ensuring an investigation, if required is completed, and corrective action taken.

The level of investigation must match the level of the incident, and this will be determined by Councils Risk Team once the incident is reported to Council. It is important to remember that health and safety investigations are not conducted, to apportion blame or liability for what occurred, but rather to identify corrective actions that need to be taken to improve the health and safety of all people.

11.3 Volunteer Labour

For projects involving volunteer labour, an estimate of numbers and details of the project must be forwarded to the Contact Officer as soon as possible to ensure the project is covered by and noted on the appropriate policy.

Voluntary labour can be utilised to assist/or complete the project; but volunteers must be approved and inducted by Service Operator.

To ensure that projects are not unnecessarily jeopardised, the following procedure will apply:

- At commencement of the improvement project all works and materials to be defined along with the sources of financial, material and labour inputs.
- Council's financial involvement is to be clearly defined as well as all items to be paid for by Council. Any items to be paid for will be ordered by Council.
- The project is to be discussed at a joint meeting between Council officers and responsible members of the particular Committee.
- The discussions, source of funds and responsibilities for various parts of the project are to be confirmed by letter.
- The names of any volunteers must be forwarded to Council prior to any work being carried out.
- The Committee is required to maintain a register of volunteers detailing the names and addresses of volunteers, duties performed, the date and time particular work was commenced and completed and details of any incident involving injury to a volunteer.
- All volunteers carrying out any work on, or associated activities in relation to, the Committee are required to give due regard to the safety of themselves and others, with respect to all activities/work being carried out and equipment being used and shall receive cover in accordance with Council's Public Liability and Personal Accident insurance.

11.4 Public Liability Insurance

Public liability insurance provides cover for its legal liability to the public for Council's business activities.

If a third party suffers property damage or personal injury as a result of Council or Committee negligence they are covered under the public liability policy.

The Committee should note that the policy does not cover participants of events/and or groups/associations or incorporated bodies. By law, all incorporated bodies, sporting clubs must have their own public liability insurance as they are excluded from Council's policy.

11.5 Workers Compensation Insurance

Council's Workers Compensation Policy only covers Council employees including volunteers of Council. If contractors are engaged, they must provide a copy of a current workers compensation policy.

11.6 Property Insurance

Council maintains property insurance on all its facilities. This includes contents insurance on equipment owned by Council or the Committee such as furniture.

Any new equipment purchased by the committee must be notified to Council for inclusion in Council's asset register.

11.7 Professional Indemnity Insurance

Professional indemnity insurance usually refers to claims where it is alleged that incorrect advice, certificates or incorrect practice has occurred. Council may be liable for its conduct arising out of its representations or the conduct of its employees, consultants and committee members.

As discussed previously it is essential that all potential claims are reported as soon as practicable, and all documentation is collected, and investigations conducted as soon as possible.

11.8 Personal Accident Insurance

Personal accident insurance covers bodily injury for committee members whilst engaged in an activity directly or indirectly connected with or on behalf of Council.

Compensation will not be payable for those under the minimum age of 10 years and over the maximum age of 90 years.

12. MEETING PROCEDURES

12.1 Code of Meeting Practice

Meetings are to be conducted to a standard based on Council's adopted Code of Meeting Practice Policy. Specific standard requirements are detailed in this section and include:

- that a quorum be present;
- that appropriate notice is given;
- that business on the agenda is properly conducted; and
- that correspondence and minutes are recorded.

Committee members should work together to schedule meetings at a mutually convenient time for all. Ideally, meetings are held at the asset or facility, however if scheduling suitable meeting times becomes difficult due to bookings, they may be held in another public space, such as a cafe, park, etc. Meetings should not be held on private property.

12.2 Types of Meetings

Typically, there are three types of meetings that a committee may hold.

12.2.1 Ordinary Meetings

Ordinary Meetings of the Committee are required to address correspondence, current issues, community needs, awards, events and ceremonies.

12.2.2 Annual General Meeting

The Annual General Meeting of the Committee is required to report on the activities of the Committee for the previous 12-month period and to develop proposals for development and maintenance of the facility for the coming 12-month period.

Appointment of all office bearers for the coming 12-month period will also take place at this meeting.

12.2.3 Extraordinary Meeting

An Extraordinary Meeting of the Committee may be called to discuss urgent business and matters outside the scope of an ordinary meeting, requested by two members of the Committee.

An agenda will be prepared and circulated to all members of the Committee with at least two (2) days' notice.

12.3 Frequency of Meetings

12.3.1 Ordinary Meetings

There should be minimum of four (4) meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.

12.3.2 Annual General Meeting

This meeting should be held once per year.

12.3.3 Extraordinary Meeting

This meeting should be held as required.

12.4 Agenda

The agenda is an organised list of headings of the major items, in order, that will be discussed at the meeting. A copy of the agenda is distributed to the Committee members at the commencement of the meeting, or before if it is possible. Late matters can be added to the agenda at the opening of the meeting as the Chairperson calls for discussion on the agenda.

Each item of business to be discussed at the meeting needs to be included on the agenda.

Unfinished business and reports on actions taken since previous meetings are included in the agenda under "Business arising from previous minutes".

If items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting agenda.

The agenda is required to be sent out to all Committee members and Councillor Representatives at least one (1) week prior to the meeting.

12.5 Correspondence

12.5.1 Inwards Correspondence

A list of significant correspondence received (Inwards) is presented at the Committee meeting by the Secretary. This action is to inform members of new issues that may have arisen and to report on letters received in response to matters raised at previous meetings.

12.5.2 Outwards Correspondence

A list of significant correspondence sent out (Outwards) is provided to inform the members of the action taken on their behalf.

Correspondence is to be suitably filed together for future reference.

12.6 A Quorum

A quorum is the minimum number of members who must be in attendance to hold a meeting.

A quorum is reached when more than one half of the members are present.

If a quorum is not present within half an hour after the appointed starting time, the meeting will be adjourned to a time fixed by the Chairperson; or those present can hold an informal meeting to discuss matters, however no decisions can be made where a quorum is not present. Any decisions/motions are to be taken to a subsequent meeting where a quorum is present for recommendations and/or clarification.

12.7 Conduct of Business

Each item of business is discussed in the order in which it appears on the agenda. It is best to allow adequate time for discussion on important issues and to ensure relevant information on the matter under discussion is available at the meeting.

12.8 Voting

Voting allows members to express their agreement or disagreement. Voting can be conducted in one of two (2) ways:

- Vote verbally
 - The chairperson asks people to say 'for' or 'against' and then decides which group is the largest.
- Vote by show of hands
 - The chairperson asks people in favour of a decision to raise their hands, counts hands and announces the total, and repeats the same process for those against.

For motions/recommendations, the Committee needs to have an agreement concerning the way a vote will be conducted (either a) or b) above), e.g., for the vote to be carried, you will need a simple majority (more than half). If it is a tied vote the Chairperson has the casting vote and where this happens, this should be recorded in the Minutes.

12.9 Minutes

Minutes of the meeting must be recorded and a motion/recommendation put forward by the Committee members. The motion/recommendation after being voted on by the Committee should be recorded as "carried" or "lost" (see part 12.8 Voting).

This document is to be an accurate recording on what happened at the meeting.

The Minutes of each meeting must be sent to Council within 14 days after the meeting and confirmed at the Committee's next meeting.

On receipt of the Minutes by Council they will be reviewed, and the Committee may be contacted if required. Council will not act on Minutes recommendation/motions alone, a request for information/action etc. by Council must also be put in writing from the Committee via a Works Request Form.

The Committee is required to be aware of the importance of minutes due to their legal status and their liabilities to subpoena in court cases and be used for Access to Government Information release. Minutes of each meeting will be provided to the general public via Council's website in the interests of transparency and accountability.

The Chairperson is required to sign the minutes of a meeting as the true record of proceedings of the meeting. The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members have said at the meeting, but there may be occasions when it is appropriate to record the thrust of the debate.

The Chairperson and the Secretary are responsible for the form of the minutes for proper confirmation and must check that there have been no unauthorised alterations to those minutes. The Chairperson signs the minutes after they have been confirmed by the appropriate meeting (usually the next committee meeting). The motion to confirm the minutes can only be moved and seconded by a person in attendance at that meeting to which the minutes relate.

12.10 Committee Records

Records of Committees, e.g., minutes of meeting, reports, invoices, receipts etc. should be provided to Council as soon as possible.

See further information regarding records in the table below

DOCUMENT	SENT TO COMMITTEE MEMBERS / COUNCILLOR REPRESENTATIVES	SENT TO COUNCIL
Agenda – Ordinary Meeting	At least one (1) week prior to the meeting	No
Agenda – Annual General Meeting	At least one (1) week prior to the meeting	No
Agenda – Extraordinary Meeting	At least two (2) days' notice	No
Correspondence List	To be sent with Agenda	No
Minutes		Yes - within 14 days after the meeting date
Records	Keep for term of Committee and ensure saved in Council's electronic document management system	Immediately

12.11 Roles of the Executive within Meetings

12.11.1 Chairperson

Before a meeting:

- Prepare the agenda (in consultation with the Secretary) setting out the items of business to be considered.
- Ensure the meeting is properly convened in accordance with these guidelines e.g. A quorum is present.

During a meeting:

- Chair the meeting, open the meeting, welcome and introduce members and guests.
- Keep members at the meeting focused on the topics being discussed and encourage all members to participate. Give all members an opportunity to speak on each topic.
- Ensure correct meeting procedures are followed and that control of the meeting is maintained, keeping track of time.
- Make sure that recommendations are relevant and understood by members. Ensure that the minute taker has recorded all recommendations that the Committee wishes to forward on to Council.
- Close the meeting.

12.11.2 Secretary

Before a meeting:

- Prepare the agenda (in consultation with the Chairperson).
- Make copies of the agenda if required and distribute to all members.

During the meeting:

- Take the minutes.
- Record all recommendations that are to be forwarded to Council.

After the meeting:

- Type minutes and distribute to all members.
- Ensure that accurate minutes are kept.
- Complete any actions as decided at the meeting.

Provide a copy of the minutes and all inwards and outwards correspondence to Council.



13. REPORT REQUIREMENTS

13.1 Annual Report

Committees are to provide Council with an annual report by third (3rd) week in August each year.

Annual Reports are to detail the following information:

- Number of meetings conducted and dates of meetings;
- A breakdown of attendance at meeting by each member;
- Activities/Projects/Achievements;
- Ongoing Issues; and
- Completed Maintenance

13.2 Term Report

A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August of that year.

Term Reports are to detail the following information:

- Overview of the responsibilities of the Committee
- Activities/Projects/Achievements/Highlights
- Ongoing Issues

REPORT	WHEN TO SEND TO COUNCIL
Annual Report	By the 3rd week in August - annually
Term Report	By the 3rd week in August – quadrennial

14. DEFINITIONS

In this Manual the following definitions will apply:

The “**Act**” shall mean the *Local Government Act 1993*.

“**Advisory Committee**” shall mean Committees that report through to the General Manager and are established to provide advice on the implementation of Strategy. These Committees are not responsible for the care, control or management of Council Assets.

“**Asset Committee**” shall mean Committees that report directly to Council and are responsible for the management responsibilities, functions and operations of community facilities, such as buildings and ovals.

“**Chairperson**” shall mean:

- for a meeting of Council – the mayor; or
- for a meeting of a committee of Council – a member of the committee whose appointment has been approved by Council.

“**Committee**” shall mean the body of persons appointed by Council to the Section 355 Committee in accordance with this framework.

“**Constitution**” shall mean and includes this document along with all schedules and attachments referred to in this document, including but not limited to any policy adopted by Council and set out in Item 5 of the Schedule.

“**Contact Officer**” shall mean Committee specific Council Contact Officer.

“**Council**” shall mean Broken Hill City Council.

“**Councillor**” shall mean a Councillor of the Broken Hill City Council.

“**Executive**” shall mean the Chairperson, Deputy Chairperson and Secretary of the Committee.

“**Facility**” shall mean a Council owned building, oval or park.

“**Financial Year**” shall mean the period from 1 July year X to 30 June Year X + 1.

“**Framework**” shall mean the Section 355 Committee Framework that incorporates three components.

“**General Manager**” shall mean the person appointed or acting in the position of General Manager of Broken Hill City Council

“**Intellectual Property**” means and includes the copyrights, trademarks, registered designs, patents and databases. In particular it refers to a range of Council resources including written material, design drawings, maps and plans, computer programs and databases.

“**LGA**” shall mean Local Government Area.

“**Manual**” shall mean this document, being the Section 355 Advisory Committee Manual.

“**Personal Information**” shall mean “information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion” as per the definition included in Section 4 of the *Privacy and Personal Information Act (PIPPA) 1998*

“**Record**” means recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity.

“**User group**” shall mean organisations which are granted use of any portion of the facilities on a license, annual, seasonal or longer-term basis.

“**Volunteer**” means a person who assists the committee (either on a regular or casual basis) in a voluntary capacity but is not a member of the committee.

“**WHS Policy**” means any Work Health and Safety Policy or Procedure/s adopted by Council and includes any Manual or other document forming part of or associated with any such Policy.

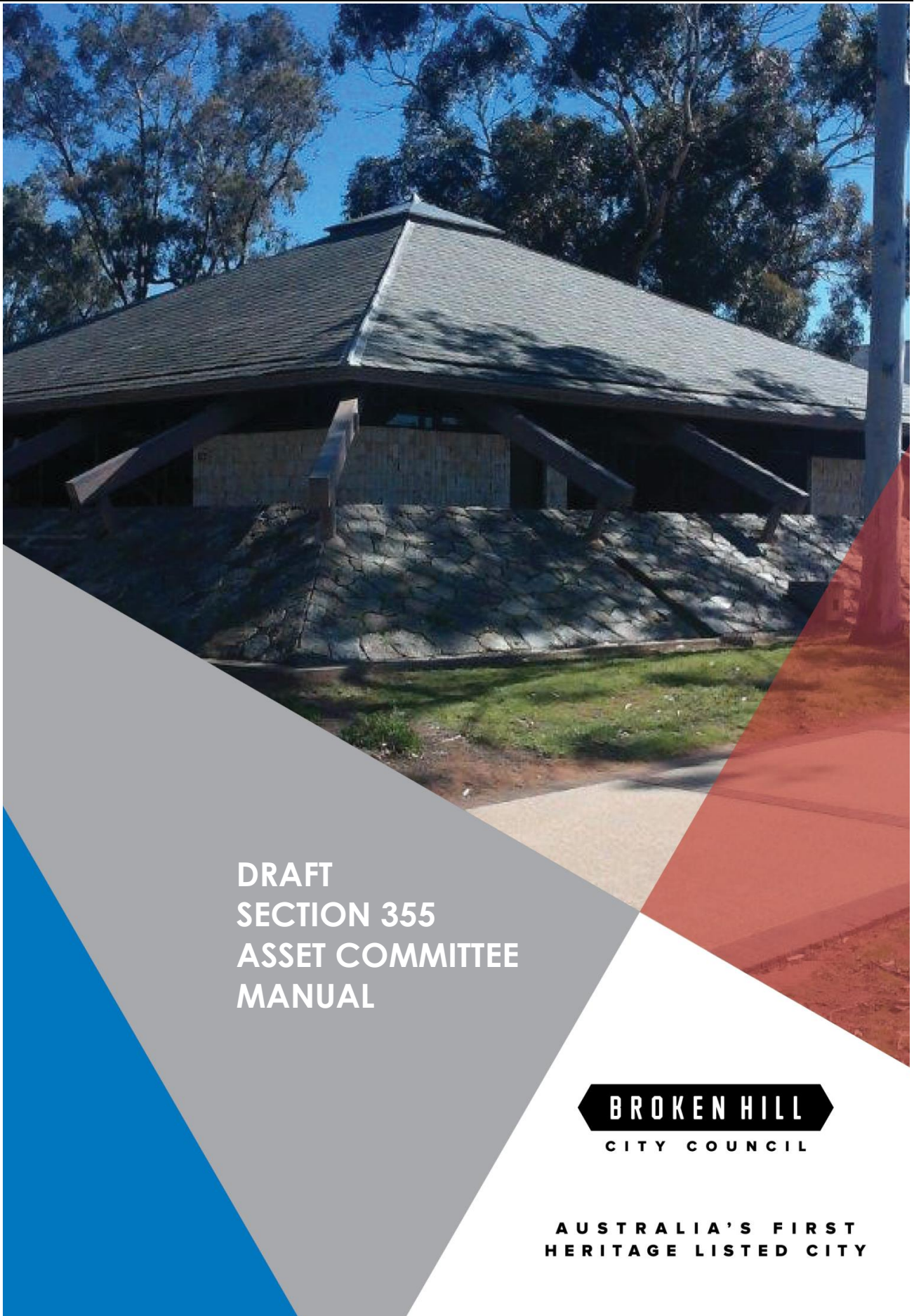
15. HOW DO I CONTACT COUNCIL

HOW?	CONTACT DETAILS
In Person	Council Administrative Centre 240 Blende Street Broken Hill NSW 2880
Post	Broken Hill City Council PO Box 448 Broken Hill NSW 2880
Phone	08 8080 3300
Fax	08 8088 3424
Email	council@brokenhill.nsw.gov.au
Emergency Contact (out of hours only)	0408 858 368
Opening Hours	9am to 4pm – Monday to Friday Cashier closes at 4pm



CITY COUNCIL

www.brokenhill.nsw.gov.au



**DRAFT
SECTION 355
ASSET COMMITTEE
MANUAL**



**AUSTRALIA'S FIRST
HERITAGE LISTED CITY**

QUALITY CONTROL		
KEY DIRECTION	4 Our Leadership	
OBJECTIVE	4.1 Openness and transparency in decision making	
STRATEGY	4.1.5 Support the organisation to operate its legal framework	
FILE REFERENCE No	11/9	TRIM No D12/8812
RESPONSIBLE OFFICER	Director Corporate and Community	
REVIEW DATE	October 2028	
DATE	ACTION	MINUTE No
October 2012	Document Developed	N/A
23 January 2013	Adopted	44210
March 2017	Document Revised	N/A
29 March 2017	Adopted	45508
March 2022	Document Revised	N/A
30 March 2022	Adopted	46795
July 2024	Document Revised	N/A
NOTES	Copies of all plans and policies mentioned in this document are available by visiting Council's website www.brokenhill.nsw.gov.au	
ASSOCIATED LEGISLATION	Section 355 <i>Local Government Act 1993</i> (Committees) Section 377 <i>Local Government Act 1993</i> (Delegations) Section 441-443 <i>Local Government Act 1993</i> (Pecuniary Interest) <i>Disability Inclusion Act 2014</i> Legislation can be found www.legislation.nsw.gov.au	
ASSOCIATED COUNCIL POLICIES	<ul style="list-style-type: none"> • Asset Management Policy • Compliance & Enforcement Policy • Code of Conduct Policy • Code of Meeting Practice • Community Assistance Grant Policy • Alcohol and Other Drugs Policy • Equal Employment Opportunity Policy • Procurement Framework and Policy • Records Management Policy • Enterprise Risk Management Policy • Enterprise Risk Management Framework • Grievance Policy and Procedure • Smoke Free Playgrounds and Sporting Reserves • Tree Management Plan • Volunteers • Working in Extreme Weather Conditions • Workplace Smoking Policy • Workplace Health and Safety Policy 	
ASSOCIATED DOCUMENTS	Draft Community Strategic Plan 2040 Long Term Financial Plan 2017- 2026 Draft Delivery Program 2022-2026 Schedule of Fees and Charges (current year) Committee Constitutions Section 355 Committee Template Guide Section 355 Asset Committee Handbook	

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1. INTRODUCTION

1.1 What is the Section 355 Asset Committee Framework?

The Section 355 Asset Committee Framework is a comprehensive suite of documents that together provides the rules and guidelines by which Council's Section 355 Asset Committees must abide.

The Section 355 Asset Committee Framework includes:

- Section 355 Asset Committee Manual;
- Committee Constitutions;
- Section 355 Asset Committee Handbook; and
- Section 355 Committee Template Guide and associated forms

1.2 The Section 355 Asset Committee Manual

The Section 355 Asset Committee Manual outlines:

- Management and maintenance responsibilities;
- Clear and concise guidelines to assist committees to adequately carry out their duties on behalf of Council;
- Functions and operations of community facilities and programs; and
- Clarifies Council's and Committee Member's roles in this partnership.

Upon Council's formal establishment of a Section 355 Committee and appointment of committee memberships, all committee members are required to adhere to the conditions set out in the Framework.

The provisions of the Framework after its initial adoption by Council may only be varied or amended by Council resolution.

1.3 The Committee Constitutions

Council sets out its delegation of the Committee in a Constitution formally adopted/amended at a formal meeting of Council.

Constitutions will be reviewed by Council following each Local Government General Election, by Council resolution, at the request of the Committee or at the discretion of the General Manager.

1.4 The Section 355 Committee Template Guide

The Section 355 Committee Template Guide applies to both Asset and Advisory Committees, and provides an overview of the following templates for the committees use:

- Nomination Form
- Ordinary and Extraordinary Meeting Agenda
- Annual General Meeting Agenda
- Ordinary and Extraordinary Meeting Minutes
- Annual General Meeting Minutes
- Annual Report
- Annual Financial Report
- Quarterly BAS and GST Form
- End of Term Report
- Works Request Form
- Facility Hazard and Risk Inspection Checklists
- Injury/Incident/ Near Miss Report Form
- S355 Managed Venue Booking Application and Agreement

1.5 Scope

This Framework applies to all Section 355 Asset Committees.

1.6 Legislative Requirements

There are a number of legislative requirements to which Section 355 Committees of Council must adhere.

- Section 355 *Local Government Act* (Committees)
- Section 377 *Local Government Act* (Delegations)
- Section 441-443 *Local Government Act* (Pecuniary Interest)

Related Legislation can be viewed by visiting www.legislation.nsw.gov.au

1.7 Council Policies

All committee members must adhere to Council adopted policies including:

- Alcohol and Other Drugs Policy
- Asset Management Policy
- Compliance and Enforcement Policy
- Code of Conduct Policy
- Community Assistance Grant Policy
- Enterprise Risk Management Framework and Policy
- Equal Employment Opportunity Policy*
- Grievance Policy and Procedure
- Procurement Framework and Policy
- Records Management Policy
- Smoke Free Playgrounds and Sporting Reserves
- Tree Management Plan
- Volunteers Policy
- Working in Extreme Weather Conditions Policy*
- Workplace Smoking Policy*
- Workplace Health and Safety Policy*

Council policies are available on Council's website www.brokenhill.nsw.gov.au

* Policies are internal facing only and will be provided to all Committee members in their Section 355 induction packs.

1.8 Code of Conduct

All committee members must abide by Council's Code of Conduct.

A copy of Council's Code of Conduct will be provided to all committee members at the commencement of their term of office. On the occasion that Council reviews and amends this document, revised copies will be provided to all committee members.

The Code of Conduct is also available on Council's website www.brokenhill.nsw.gov.au

1.9 Community Strategic Plan

This Framework supports the objectives of the Community Strategic Plan in outlining the community's priorities and aspirations for the City's future.

The Community Strategic Plan – *Your Broken Hill 2040*, is available on Council's website www.brokenhill.nsw.gov.au

2. WHAT IS A COMMITTEE?

2.1 What is a Section 355 Committee?

A Section 355 Committee is a committee established under Section 355 of the *Local Government Act 1993 (the Act)*, to assist Council with the operation and maintenance of various Council facilities and services.

Under *the Act* Council is able to delegate some of its functions to a Committee of Council. Council uses this delegation and appoints community members to manage its facilities or functions through a Section 355 Committee.

Section 355 of the *Act* defines how Council may exercise its functions and Section 377 of the *Act* allows Council to delegate its functions.

2.2 Why Does Council Have Section 355 Asset Committees?

Committees provide a mechanism by which interested persons can have an active role in the provision/management of Council facilities or services. This provides a two-fold benefit by giving protection to the Committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions.

As the Committee are acting on behalf of Council, it is important to uphold the principles of equity, accessibility and inclusivity, providing for the whole community.

Hiring a facility is central to the purpose of the Committee. Making the facility readily accessible to the community, whilst at the same time, raising funds for its maintenance and future improvements are some of the main objectives of the Committee.

2.3 How are Section 355 Asset Committees Established?

Committees are established under Section 355 of the *Act*, with delegations from Council under the provision of Section 377 of the *Act*.

Requests for new committees must be presented to Council with a Business Plan for consideration.

Committees are established by resolution of Council. The formation of Committees is entirely at the discretion of Council.

All Councillor Representatives must be formally appointed by Council.

All Community Representatives must be formally appointed by Council.

2.4 What happens once a committee is established?

Council will call the initial meeting of the Committee, at which all members will be inducted and the Committee's Executive will be elected and appointed.

Council will provide further inductions, inclusive of Governance, Information Services, Assets, Finance and Risk to the elected executives to ensure a thorough and mutual understanding of delegated functions and committee objectives.

2.5 Committee Review

Review of all Section 355 Committees and their structures will be conducted annually in September following presentation of the Committees Annual Reports and Financial Statements.

Failure to adhere to and comply with the Section 355 Asset Committee Framework will result in an internal investigation into the operations and conduct of the committee with a full report and recommendation presented to Council.

Committees must be mindful that Council have the authority to disband any non-functioning Committee.

2.6 Committee Disbanding

The Council, by resolution, can disband a Committee at any time for any reason, including:

- To carry out the control of the facility itself;
- If the Committee is not complying with the roles and responsibilities of the Committee;
or
- That it no longer requires a Committee for the purpose for which it was established.

In the event membership reduces to fewer than four (4) persons or quorum, Council has established the following guidelines to address this issue:

- If a Committee chooses to remain active, it is given six (6) months to re-establish a viable membership (i.e., minimum of four (4) members); or
- If a Committee or facility becomes inactive or inoperable, the Committee will be dissolved and all responsibilities will be taken over by the designated Council department (in this instance, consideration will need to be given to the long-term viability of the facility or function).

The Committee can also recommend to Council that the Committee be disbanded. Upon the Committee being disbanded, assets and funds of the Committee shall, after payment of expenses and liability, be handed over to Council.

Committee members are eligible for re-appointment to committees. Council will advertise for and receive nominations and present nominations to Council per standard practice.

3. COMMITTEE MEMBERSHIP

Council aims to appoint Committees which are representative of the local community or interest group of the particular service/facility.

3.1 When are committees appointed?

Committees are appointed every four (4) years, within six (6) months of a Local Government General Election.

3.2 Term of Membership

The term of a committee is the same term as the elected Council.

Members must nominate for re-election following each Local Government General Election if they wish to remain on the committee.

A calendar of events is shown below:

ACTION	TIMEFRAME
Letter to committee secretaries advising of: <ul style="list-style-type: none"> • upcoming elections • upcoming declaration of vacant positions • provision of nomination form for interested existing members to renominate for a position. 	August
Committees enter a caretaker mode in accordance with Council's business operations until such time as new committee membership is adopted and a new executive is elected.	August
Local Government Election.	September
First Council Meeting of the newly elected Council.	October
All councillor representatives formally appointed by Council.	October
S355 manuals and constitution are adopted.	October
Advertise for community representation on the Committee after the Local Government Election.	From October
All community representatives must be formally appointed by Council.	October – March*
Council will call the initial meeting of the Committee, at which all members will be inducted and the Committee's Executive will be elected and appointed. Council will provide further inductions, inclusive of Governance, Information Services, Assets, Finance and Risk to the elected executives to ensure a thorough and mutual understanding of delegated functions and committee objectives.	October – March

* If insufficient nominations are received, Council will advertise again for nominations. If sufficient nominations are received, actions may be completed earlier.

3.3 Membership

The Committee membership should generally reflect the community organisations which utilise the function/facility and must be open to representatives of user groups and interested community members. Equal representation of each user group is highly recommended and encouraged.

The Committee shall generally consist of:

- One (1) member of each organisation which is granted use of any portion of the facilities, on an annual, seasonal or longer-term basis.
- A number of community representatives as detailed in the committee constitution.
- Councillor representatives appointed by Council annually in September

3.4 Membership Criteria

To hold office, be responsible for the management of a Council facility, and be entitled to vote and take part in meetings, all applicants will be assessed against a set of criteria and appointed by Council.

The criteria is:

- Be aged 18 years or over; and
- Have established ties to the Broken Hill community; and
- Be a resident of the local government area (LGA); or if not a resident, be able to demonstrate an interest in the objectives of the committee and ability to attend committee meetings to the satisfaction of Council; and
- Have relevant experience;
- A commitment to the activities of the Committee and a willingness to be actively involved in Committee issues is essential;
- A National Police Clearance is required for all Council Volunteers; and
- Council may require medical clearance in order for volunteers to complete some tasks.

New members must be appointed by Council before they are able to vote and take part in meetings of the Committee.

3.5 Membership Fees

Members of Committees are volunteers and therefore do not receive payment. Any honorariums for services such as groundskeeping, cleaning etc are to be recommended by the committee and are to be submitted through the Committee's meeting minutes to Council for its consideration and approval.

Fees are not to be charged for Membership of the Committee.

Payment to Committee Members outside of Council approved honorariums are not permitted except for reimbursement of out of pocket expenses on presentation of detailed receipts. This only applies to telephone and postage expense reimbursement, relating to bookings of the facility. Any other requests for payment to Committee members must be referred to Council for consideration and approval.

3.6 Member Vacation of Office

A person shall cease to be a member of a Committee if the:

- Member becomes bankrupt;
- Member resigns from office by notification in writing to the Committee and Council;
- Member is absent for three (3) consecutive meetings without leave from meetings of the Committee;
- Council passes a resolution to remove the member from the Committee;

- If the member fails to comply with Council's Code of Conduct;
- Member holds any office of profit or income under the Committee;
- Member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter and for the purposes of this provision "pecuniary interest" has the same meaning given to that term in Section 442 of the Act;
- Member while holding that office is convicted of an offence referred to part 4 of the *Crimes Act 1900* (offences relating to property);
- While serving a sentence (whether or not by way of periodic detention) for a felony or other offence, except a sentence imposed for a failure to pay a fine;
- Member is prohibited by Order under Section 230 of the Corporations Law from managing a corporation within the meaning of that Section;
- Member becomes a mentally incapacitated person; or
- Upon the death of a member.

Resignations, or a committee member ceasing to hold office because of any one of the above circumstances, will be reported to Council for information and any action if required.

3.7 Procedure for Resigning from the Committee

Where a member of a committee resigns a written resignation will be presented to the Committee and forwarded to the General Manager.

Upon receipt of a resignation from a committee member, Council will call for nominations for the committee vacancy in the community and any nominations received will be presented at the next available Council meeting for appointment.

3.8 Committee Member Rights

All committee members have the right:

- To work in a healthy and safe environment;
- To be adequately covered by insurance; and
- To be provided with sufficient training to undertake their role.

4. COMMITTEE STRUCTURE

4.1 How is a committee structured?

Committees consist of office bearers (also known as the Executive) and other Committee members. The Committee elects their own office bearers at its first meeting of the committee term and thereafter at each Annual General Meeting.

Office bearers are elected for a 12-month period. Particulars of all appointments must be notified in writing to Council as soon as possible after appointment is made, including committee position, name, address, contact details and the user group represented (if any).

The Committee Executive will consist of:

- Chairperson
- Deputy Chairperson
- Secretary
- Treasurer

The Committee may, from its own members, elect a Grounds/Building Committee, Groundsman or Caretaker to handle the allocation and/or maintenance of grounds or other sub-committees necessary to handle a specific function or report on a specific issue. Note: Committees must not have paid members, therefore groundsman or caretaker roles are strictly volunteer based.

A maximum of two (2) relatives of any one family can be office bearers on the same Committee at the same time.

Each member of the Executive shall hold the position on the Executive for a period of 12 months from the date of the appointment at the Annual General Meeting or on the expiration of the Constitution, whichever occurs first.

4.2 Committee roles and responsibilities

The Executive do not have greater decision-making powers than other committee members, other than the Chairperson who has a casting vote in the event of a tied vote.

Whilst the Executive usually have defined roles, each committee member plays an important part in the functioning of the Committee. Office bearers must have access to a computer/device, have basic computer skills and be able to use email as a major form of communication.

Where a Councillor is a member of the Committee and that Councillor indicates that he or she wishes to be Chair of the Committee, that Councillor shall be the Chair of the Committee. Where no Councillor expresses a desire to be Chair of the Committee any other member of the Committee willing to accept appointment as Chair of the Committee, may, by a vote of the majority of the members of the Committee, be appointed Chair of the Committee.

TIPS FOR A WELL FUNCTIONING COMMITTEE

- Schedule meetings to suit all
- Share a big picture/ vision for the venue
- Develop the venue and extend its use
- Share the load - don't let one or two people burn out
- Seek out new activities, new ways to engage with the community
- Brand and visibility are important – get out there
- Common goals, structured meetings, good minutes, regular meeting attendance
- Keep on top of reports

4.2.1 Chairperson

The Chairperson (or Deputy Chairperson in the absence of the Chairperson) is responsible for:

- Chairing meetings of the Committee;
- Acting as the official representative of the Committee;
- Acting on behalf of the Committee in an emergency or urgent situation;
- Assisting in direction, forward planning and vision for the committee; and
- Further specific meeting related tasks as outlined in Section 15.11.1 "Roles of the Executive - Chairperson".

4.2.2 Deputy Chairperson

The Deputy Chairperson is to undertake the role of the Chairperson if the Chairperson is not available, and those responsibilities outlined in 4.2.1 Chairperson.

4.2.3 Secretary

The Secretary is responsible for:

- Correspondence to and from the Committee;
- Notifying all members of meetings;
- Issuing the Agenda with any instructions from the Chairperson;
- Taking and distributing meeting minutes;
- Forwarding minutes and reports to Council;
- Ensuring there is a flow of information to and from the Committee;
- Ensuring that official files and records are kept and maintained;
- Assisting the Chairperson with finalisation of Annual and Term Reports;
- Further specific meeting related tasks as outlined in Section 15.11.2 "Roles of the Executive - Secretary";
- Liaise with all booking applicants;
- Arrange all booking forms and ensure they are completed as required; and
- Arrange payment of all bookings, including any refunds of booking bonds.

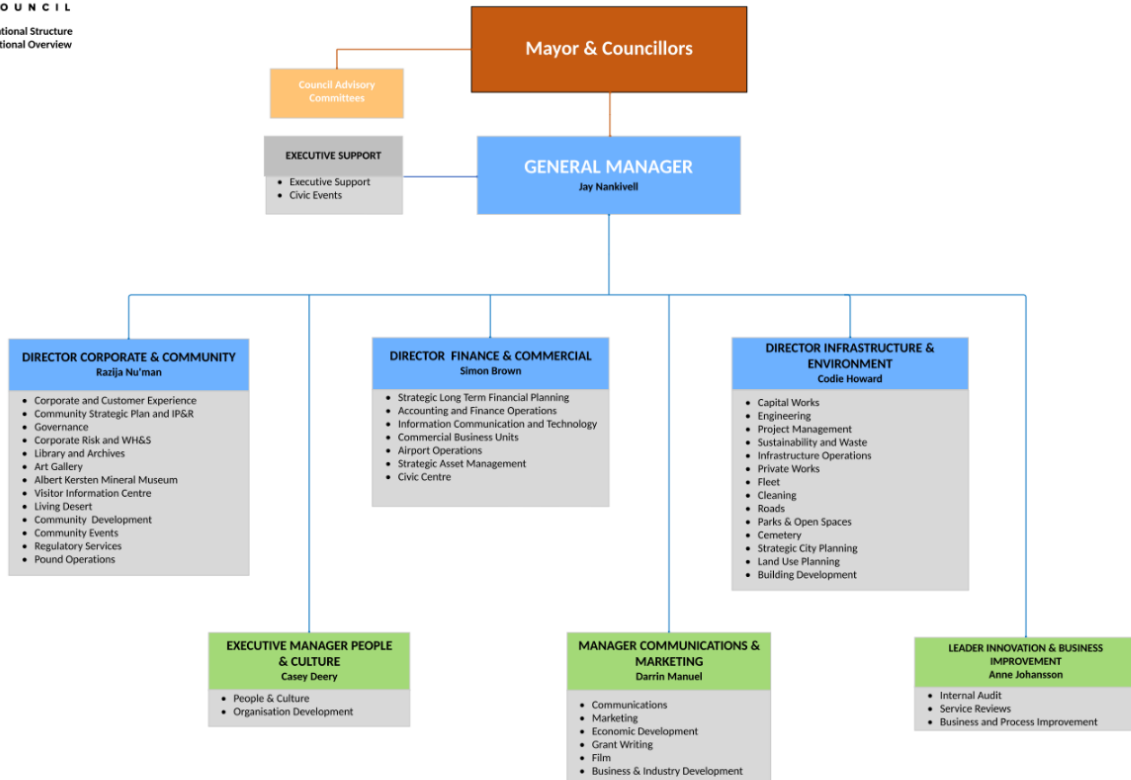
4.2.4 Treasurer

The Treasurer is responsible for:

- Handling the movement of money within the Committee;
- Recording income and expenditure; and
- Assisting with preparation and finalisation of financial reports when required.

5. COUNCIL STRUCTURE

5.1 Council Staff Roles and Responsibilities



5.1.1 General Manager

The General Manager is responsible for:

- The efficient and effective operation of Council's organisation;
- The oversight of all functions and Committees of Council;
- Ensuring the implementation, without undue delay, of Council's decisions;
- To manage Council on a day-to-day basis and to direct staff; and
- To exercise such of the functions of Council as are delegated by Council to the General Manager.

5.1.2 Ex-officio Members

The General Manager may appoint at least one Council Officer (Committee specific Council Officer) to serve as ex-officio (non-voting) members of each committee to provide advice to the Executive, where requested by the Committee or at the discretion of the General Manager. The ex-officio member may change at any time.

5.1.3 Council Public Officer

The Public Officer:

- May deal with requests from the public concerning Council's affairs;
- Has the responsibility of assisting people to gain access to public documents of Council;
- May receive submissions made to Council;
- May accept service of documents on behalf of Council;
- May represent Council in any legal or other proceedings;
- Has such other functions as may be conferred or imposed on the Public Officer by the General Manager or by or under the Act; and
- Is subject to the direction of the General Manager.

5.1.4 Council Contact Officer

Council will assign all Committees a Council Officer to act as a Contact Officer, who will be responsible for:

- Developing, implementing and maintaining the Committee Framework;
- Advertising for nominations to the Committees;
- Providing overall direction and advice to the management of Committees;
- Organising and providing induction to Committees;
- Organising ongoing training and development to Committees;
- Developing tools and templates to assist the operations of Committees; and
- Act as a single point of contact at Council to liaise internally with other relevant staff regarding:
 - Technical advice to the Committees
 - Maintenance for Assets in conjunction with Committee
 - Purchasing supplies for Committees

6. COUNCIL AND COMMITTEE RESPONSIBILITIES

6.1 Council Responsibilities

- Funding Major Improvement
 - Funding and erection of all major improvement works in accordance with Council's asset management planning for open space and availability of funds.
- Insurance:
 - Council shall fully insure all buildings and all fixtures, fittings, and contents (other than those of hirers).
- Insurance of Committee Members:
 - Council shall insure the Committee.
- Fees and Charges:
 - Council shall consult with the Committee regarding any proposed variation of hire, membership fees or other charges proposed for the ensuing year (commencing 1 July) by 31 January in each year. Fees and charges will be endorsed by Council as part of the Operational Plan and take effect 1 July each year.
- Improvement Recommendations:
 - Council shall consider with its annual budget process all improvements suggested by the Committee. These improvement recommendations must be submitted to Council no later than 31 January each year.

Management of the facility is delegated to the Committee by Council as specified in the Committee Constitution. Whilst the Committee has control over the facility, Council may exercise overriding authority and may revoke the powers of the Committee.

6.1.1 Induction Training

Council will provide all Committee members, as volunteers, an induction program, provided locally at no cost to the member.

Induction training will provide an overview of committees, member requirements and responsibilities, Council responsibilities, Code of Conduct, Risk and Insurance, Workplace Health and Safety, and any other information or topics Council deems relevant.

6.1.2 Ongoing Training

Ongoing training will be provided to all committee members as it is made available, whether provided by Council or a third party.

6.2 Asset Committee Responsibilities

Committees are responsible for the tasks delegated by Council which may include letting, cleaning, maintenance, minor repairs and operations. As outlined in the Committee's Constitution

- Care includes:
 - Duty of care to ensure the health, safety and welfare of persons using the facility or participating in a function of the Committee.
 - Maintaining the facility and protecting the physical assets from damage, misuse and deterioration. The Committee will ensure that the Facility is kept secure at all times.
 - Advising Council of any potential insurance risk that may arise in regard to buildings and users.
 - Ensuring sufficient and equitable access of the facility by the community.
 - Ensure that all users of the facility execute the hirer agreement and indemnity prior to any use of the facility.
- Control includes:
 - Holding regular meetings with a copy of recorded minutes submitted to Council within 14 days of each meeting, for endorsement.
 - Submitting an annual report of activities to Council by the third (3rd) week in August each year.
 - Recommending hire fee structures and charges for determination by Council.
 - Administering and overseeing the use of the facility by other groups.
 - Clearly defining the role of officer bearers and committee members.
 - Submitting an estimate of income and expenditure for the period, that is, estimated revenue from fees and charges and suggested program of works or events for each financial year.
 - Submitting a current list of all contents of Council buildings/facilities directly in the control of the Committee (not user groups) for inclusion in Council's Insurance Policy, by 31 January each year.
 - Maintaining the Council identified email account to which all correspondence will be forwarded and sent.
 - Submitting a current list of all Committee members including the address and phone number to Council immediately following any change to Committee membership details.
 - Submitting the names of office bearers to Council following the first meeting for the term and after the Annual General Meeting.
- Operation includes:
 - Ensuring that all written material provided to potential hirers or used to promote the facility or program acknowledges Council, including display of Council's logo.
 - Ensuring that the standard hire forms including Terms and Conditions are used.
 - Being aware of, and involved in, appropriate community activities, which are compatible with the goals of the facility.
 - Make recommendation to Council on longer term planning and improvements to policy and procedure, which will contribute to more effective facility management.
 - Being accountable to the community and Council for the Committees actions and initiatives in respect of the facility.

The Committee may not make decisions concerning the following:

- The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by Council Insurance where they are registered with the committee and where they

have acted in good faith and lawfully within this instrument of delegation and schedules.

- Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control);
- Borrowing any monies;
- The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended);
- The acceptance of tenders which are required to be called by Council, i.e., in excess of Council's discretionary tender threshold (currently \$150,000 GST inclusive);
- Formation of submissions to government policies or implementation of policies without the prior written consent of Council;
- The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meetings;
- The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work);
- Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available; and
- Vote on monies for expenditure on the works, services or operations of Council.

The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/function under its management and control.

If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by Council resolution and written notice provided to the Committee.

7. MANAGEMENT OF THE ASSET

7.1 Development Plan for Facility

The Committee will prepare a Development Plan for the facility that covers future improvements for the facility.

The Development Plan proposals will be prioritised by the Committee and referred to Council for endorsement.

Upon gaining endorsement from Council, the prioritised list will be considered in conjunction with Council's annual budget.

7.2 Variation of Development Plans

Committees must not vary the overall development plan for the facility without Council's prior written approval.

7.3 Plans of Management

Any management plans relating to a facility will be consulted with the committee upon adoption by Council.

All activities conducted within the facility must conform to any plans adopted by Council.

7.4 Allocation of Playing Fields

The following procedure will be followed for the allocation of playing fields:

- For regular hirers/users' application must be submitted each year at least two (2) months prior to the commencement of the season nominating the dates and times of use of the playing fields.
- Where playing fields are not being fully utilised, a public notice may be issued, calling for applications for the use of the playing fields for the coming season.
- The closing date for all applications is one (1) month prior to commencement of the season.
- Applications will be received by the Committee. The Committee must notify Council of the outcome of these applications and all bookings.
- Allocations of the playing fields will be made according to the applications received with regular seasonal hirers given priority. No allocations will be made to clubs which fail to submit an application form.
- Hire rights may be suspended if payment is not received and a penalty prescribed in Council's adopted fees and charges applied for the period of payment unless prior arrangements for payment are made with the Committee.
- Priority will be given to local sporting clubs which have the majority of its members residing in Broken Hill LGA.
- New clubs applying for fields must provide details of membership, club history, financial status and proposed use of the fields. Any special requirements must be requested on the application form and paid for in full prior to use of the allocated sporting field.
- Where electricity is used, the hirer is required to pay its proportion of the usage as outlined in Council's Schedule of Fees and Charges

- The Committee must be notified of any changes to the club's application within 21 days from the date of notification of field allocations. Clubs will be liable for payment for all fields allocated to them until the Committee is notified of the changes.
- Use of the grounds is prohibited outside the times and days nominated by the club and approved by the Committee. The Committee retains the rights to hire fields outside times and days nominated by the clubs. The Committee must be notified as soon as possible of any special events including registrations, presentations, knockouts, State competitions and Gala days etc.
- Where an application is rejected by the Committee, the hirer shall be notified in writing with an explanation for the rejection.
- Wherever possible only one (1) club will be allocated to each field on a seasonal basis. Where usage patterns on a particular field are low, the Committee may allocate two (2) or more clubs to that field with each club being considered as a hirer under the terms of conditions of hire. Where regular hiring of a field exists, additional hire will follow only after consultation with preferred hirer. Sub-rental by sporting bodies which have been allocated the use of a particular sporting field is prohibited.

7.5 Contribution/Ownership

Sporting or community groups contributing items for the permanent embellishment of the facility will be informed by the Committee that such a contribution will become the property of Council and will not be for that group's exclusive use.

Any items provided and funds raised by committees are the property of Council, however, Council will ensure where possible these items and funds will be put into the development of the relevant facility.

8. MAINTENANCE OF THE ASSET

8.1 General

The Committee has responsibility for the overall cleanliness and maintenance of the facilities under their control.

The Committee is to provide Council with details of maintenance work completed in each financial year, including the information in their Annual Reports.

If Committees have improvement works conducted by contractors, a report on the nature of work, and outcome of the works are to be included in the next available meeting minutes.

Every contract in excess of \$1,000 must have the prior approval of Council prior to any commitment being made by the Committee and the appropriate funds voted by Council.

8.2 Annual Maintenance Advice

Council is required to ensure effective use of funds available for all its service and works throughout the community.

In setting priorities, Council identifies needs, which are then funded in an annual budget developed in February each year, adopted in June and implemented in the ensuing financial year (i.e., July 1 – June 30).

Council provides funds for:

- Urgent repairs due to damage, excessive wear, safety or security;
- Needs to carry out licensing or statutory requirements; and
- Periodic maintenance.

The Committee can make a written request to Council's Strategic Assets Team to undertake upgrades or improvements. Such requests are to be forwarded to Council in November each year for consideration in the budget process. Approved projects may commence in July of that year.

8.3 Repairs and Minor Maintenance

Each Committee has the responsibility for ensuring that the facility under its control is maintained in a state of reasonable repair and does not present hazards to its users. This may entail regular maintenance (e.g., cleaning, replacement of consumables (eg paper towelling) mowing and watering and periodic maintenance (eg repairing/replacement of worn or broken items).

The NSW Department of Fair Trading defines the class of minor maintenance/cleaning refers to the non-structural maintenance (including minor repairs) or cleaning of existing works/structures/buildings.

Council staff will inspect the facilities from time to time, but the Committee is expected to keep Council informed on any substantial repair or upgrading work required on the facility under their control.

Repair work not able to be repaired by the Committee's own finances (or under the Committee's delegation of \$1,000) must be referred to Council and will only be delivered depending on the availability of funds and the urgency of the works. Works considered necessary or desirable but beyond the means or over the delegation of the Committee should be referred to Council in writing so that early consideration might be given to their inclusion in a Works Program or the Annual Budget.

Quarterly Facility Hazard and Risk Inspection Checklists are required by Council from the Committee at the end of each quarter.

The Committee must ensure that suppliers of goods and services, including cleaning and minor maintenance works, are carried out by professional contractors who, as a minimum, must:

- Provide a copy of the public liability insurance and workers compensation Policy (if not a sole trader) (\$20 million cover) to the Committee;
- Show compliance with WH&S standards and regulations.
- Comply with the Building Code of Australia and relevant Australian Standards. Have an ABN - if a contractor does not hold an ABN, for example a Sole Trader, an Australian Taxation Office form "Statement by a Supplier" is to be completed and held with Council.

Different maintenance tasks may require professional licences/accreditation such as working at heights, operating machinery (including chainsaw), working in confined spaces, etc. If you are unsure, please check with Council with regards to Work, Health and Safety requirements.

Council will contract its approved Security Contractor to provide services where deemed required.

Committee and Council responsibilities in relation to maintenance and improvements of the facility are identified in the Committee's constitution.

9. HIRING OF THE ASSET

9.1 General

Some of the main objectives of the Committee are to ensure the facility is readily accessible to the community whilst at the same time raising funds for its maintenance and future improvements.

9.2 Inclusion

Asset Committees are acting on behalf of Council, and it is important to uphold the principles of equity, accessibility and inclusivity, providing for the whole community.

Consideration of disability and inclusion is now managed by new legislation, the *Disability Inclusion Act 2014*. The *Act* requires all government departments and certain public authorities, including councils in NSW, to have a Disability Inclusion Action Plan.

The Plan will focus on four key areas:

- Attitudes and behaviours
- Liveable communities
- Employment, and
- Systems and processes

There is a greater emphasis on consultation at all stages of planning, implementation, monitoring and direction on how to conduct inclusive consultation. There is new public monitoring and reporting requirements through Local Government Annual Reports. Council has a Disability Inclusion Action Plan.

For Section 355 Management Committees, this means that inclusion needs to be considered in all areas of planning and operation of the hall or facility. Critical areas that this needs to be considered include access to the hall and facilities (including toilets and kitchen), making written and web materials available to sight and hearing-impaired people and supporting access to sporting and recreation opportunities.

9.3 Conditions of Hire

It is essential that hirers sign a Hire Agreement which shows that they abide by the Terms and Conditions of Hire set out by the Committee, and in accordance with Council policies.

9.4 Bookings

The Committee will be responsible for all bookings and hiring of the facility. This ensures that the facility is accessible to the community and citizens do not need to travel distances to a central authority to gain access to the facility.

Each Committee will have a designated Secretary who is responsible for the bookings of the facility. For this purpose the committee's contact email address will be well publicised.

To make a booking, a person or group contacts the Secretary and books the facility for a particular day and time.

The Secretary will advise the hirer of the fees, bonds and deposits required, provide the applicant with the S355 Community Committee Managed Venue Booking Application and Agreement form including Terms and Conditions and enter the relevant booking information into the Committee's Outlook booking calendar.

The Secretary is to advise potential hirers that fees and charges are subject to change each financial year. Fees charged are to be those applicable for the time the function actually takes place and not when the venue is booked (e.g., If a booking is made in March for an event in August – if the fees increase in July the new increased fee is to be charged).

Formal advice of the booking is to be provided to Council in the next applicable meeting minutes.

For each booking the following information must be recorded:

- Date when preliminary booking was taken.
- Name, address and telephone number of the hirer.
- Type of function.
- Times of hire.
- Hire charge and damage deposit (if any).
- Insurance policy details (Copy of certificate of Currency should also be provided).
- Date advice of the booking given to Council to invoice bond fees and charges, etc.
- Caretaker's comments on the condition of the facility and equipment after the function.
- Risk Assessment

Funds raised from hiring the facilities assist in the provision of maintenance and meet operating costs as well as provide for improvements to the facility.

In hiring out these facilities, compliance is required with all applicable legislation including the following:

- *Environmental Planning and Assessment Act 1979;*
- *Local Government Act 1993;*
- *Liquor Act and Regulations 2007 and Regulations;*
- *Protection of Environment Act 1997;*
- *Work Health and Safety Act 2011 and Regulations;*
- *Workplace Health and Safety Act 2011;*
- *Insurance Act 1984;* duty of disclosure
- *Anti-Discrimination Act 1977;*
- *Disabilities Discrimination Act 1992*
- *Disability Inclusion Act 2014*
- *Privacy and Personal Information Protection Act 1998;* and
- Any other laws and regulations governing the conduct of the Committee are also to be complied with.

9.5 Fees and Charges

The schedule of fees and charges is set by Council, taking into consideration the recommendations of the Committee and the operating requirements of the facility.

Only Council has the power under the Act to set fees and charges. Committees are to review their fees annually and make recommendations to the Contact Officer by 31 January for assessment and inclusion in Council's annual review of fees and charges.

Figures submitted should show the GST (Goods and Services Tax) inclusive amount. Once Council has adopted the fees and charges, a list will be supplied to each Committee. Adopted fees and charges are effective from 1 July each financial year.

The Committee is not able to provide subsidies or waive hire fees. All requests concerning fee reduction must be referred to Council.

FEES AND CHARGES MAY NOT BE VARIED WITHOUT THE PRIOR WRITTEN APPROVAL OF COUNCIL

9.6 Bond/Damage Deposit

As a safeguard against possible damage, the Committee can hold a bond for the facility or equipment, or to cover the need for additional cleaning, where appropriate.

Hirers should be advised that this will be refunded if conditions of hire are adhered to.

Abnormal costs associated with the hire of the facility will be deducted from the bond including GST. This may include extra removal of garbage, extra cleaning etc.

9.7 First Aid Kit

Council is a Person Conducting a Business or Undertaking (PCBU) and as such has a duty to provide First Aid equipment, facilities and trained personnel. The level of provision should be determined after considering relevant matters listed below:

- The nature of the work being carried out at the workplace (eg committee meetings, any committee functions);
- The nature of the hazards at the workplace (eg are these kitchen related, heavy lifting related or trip hazards);
- The size and location of the workplace (eg you might include sunscreen in your first aid kit);
- The number and composition of the workers and other persons at the workplace (e.g., older people, young children);
- Committees will be responsible for keeping the First Aid Kit stocked and doing regular checks on the Kit.

9.8 Use of Liquor

Committees are responsible for advising hirers of conditions relating to the use of alcohol.

These prohibit:

- the consumption of intoxicating liquor by persons under the age of 18;
- bringing bulk alcohol or kegs into a community facility; or
- selling alcohol on the premises without a Functions Licence.

Persons serving alcohol must have Responsible Service of Alcohol Certificate.

Hirers wishing to sell alcohol can find further information on the Liquor and Gaming NSW website <https://www.liquorandgaming.justice.nsw.gov.au>

Council requires copies of all related licences to be provided to Council prior to any event taking place.

Note: Council does not allow exemptions outside of the above requirements.

9.9 Wet Weather

If sports grounds or their preparation have been adversely affected by the weather to the extent that use would be detrimental, Council shall have the power to suspend occupation of the ground by notifying the user and if possible, the Secretary of the Committee, prior to 10am of the day scheduled for use.

A decision concerning the use of the playing fields for the first day of weekend competition will be made prior to 4pm on the day prior to the weekend, notifying the user and, if possible, the Secretary of the Committee. For other days on the weekend, the Committee will have the power to determine if the fields are playable.

The Committee has the authority to close a ground due to wet weather but does not have the authority to reopen the grounds that have been closed by Council except in accordance with the above paragraph.

Any club using a closed field may be liable for the full cost of repairs to the field surface.

9.10 Hire by Schools

Schools will be charged as per Council's Schedule of Fees and Charges

Schools must apply to the Committee for permission to use the field.

Teachers are to ensure that the grounds are left clean and tidy after use. Schools may incur a charge to clean up a sporting field and surrounds if left in an untidy state.

Schools are to ensure that they provide a copy of their Public Liability Insurance cover of \$20 million noting Broken Hill City Council for their respective rights and interest (FTRR&I) prior to using the sporting facilities. This can be provided annually for ongoing bookings. Council requires a copy to be provided by the Committee.

Individual clubs cannot accept bookings from schools

Any misuse of sporting fields by schools is to be reported to Council and appropriate action will be taken..

18. FINANCE INFORMATION

10.1 Financial Arrangements

Committees appointed under Section 355 of the *Act* are subject to the same standards of accountability as Council, and it is therefore important that Committees manage their operations and the community facilities and assets they care for appropriately. All assets held by the Committee belong to Council. The Committee is responsible for the care, control maintenance, repair, beautification, improvement and management in accordance with the delegations received from Council.

Council has determined that the financial operations in respect of all of its Committees will be managed consistently and all Committees are responsible for substantiating where its money has been spent or sourced. This must be done through tabling of minutes at meetings and reporting to Council via minutes and in Annual Financial Statements.

Council provides the following Committees with an annual financial operating subsidy:

- Alma Oval
- Memorial Oval
- Norm Fox Sporting Complex
- Picton Sportsground

In addition, the following applies to all Committees:

- Committees will operate their own bank accounts.
- Bank Accounts will be operative by cheques, or online banking payments with payments to be authorised by at least two signatories.
- Signatories to the bank accounts will include at least two (2) committee members, one being the Treasurer. Council's Manager Finance will also be listed as a signatory on all Committee accounts.
- Committee membership is a voluntary position. Any honorariums for services such as groundskeeping, cleaning etc are to be recommended by the committee and are subject to the approval of Council through the meeting minutes.
- The Committee must provide Council with estimates of income and expenditure for the forthcoming financial year prior to March 31. The requirements of the *Act*, make it necessary that committees appointed by Council comply with all accounting standards. Accounts are to be kept by each Committee in the form prescribed by Council.
- Council must approve all purchases for goods and services exceeding \$1,000.
- Committees may arrange approved asset purchases through Council's Strategic Assets Department.
- Committees are not required to submit audited financial statements to Council.
- Committees do not prepare GST compliance statements.
- Section 377 of the *Act*, precludes any committee delegated powers by Council from being able to make a charge, fix a fee, vote money for expenditure on works, services or operations, accept tenders, adopt a financial statement or grant financial assistance.

10.2 Purchasing and Contracting

Committees must adhere to Council's Procurement Framework and Policy

Any purchase of items or engagement of contractors must be related to the use of the Council facility or function.

Prior approval must be obtained from Council for purchases or contracts exceeding the value of \$1,000.

Purchasing thresholds are detailed below;

Financial Thresholds (AUS\$ inc GST)	Requirements			
	Process Managed by	Market Engagement	Agreement Type	Documentation
< \$500	Business Unit	1 Verbal Quote	Purchase Order or Purchase Card	Quote details to be documented in Civica
\$501-\$2,000		2 Verbal Quotes		Quote details to be documented

In addition to the above, the following steps must be adhered to prior to engaging a contractor:

- Check documentation to ensure registered and licenced (Gold Licence, expiry date, name on licence).
- View the contractor's Workers Compensation and Public Liability Insurance (\$20 million cover). Council's insurance does not cover the contractor.
- Obtain two (2) work related referee reports on the contractor's past performance.

10.3 Fees and Charges

The Schedule of Fees and Charges is set by Council, taking into consideration the recommendations of the Committee and the operating requirements of the facility.

Only Council has the power under the Act to set fees and charges. Committees are to review their fees annually and make recommendations to the Contact Officer by 31 January for assessment and inclusion in Council's annual review of fees and charges.

Council's contact officer will meet with the Committee each year prior to the adoption of the Budget with regard to the fees applicable for the coming financial year. The timeline for reviewing Fees and Charges and notifying Council is generally as follows:

ACTION	TIMEFRAME
Committee is contacted to review fees and charges for the coming financial year	November
Committee recommendations are due to Council	January
Fees and Charges are considered by Council's Finance Team	February
Recommended Fees and Charges are considered by Council at a Council meeting	April

Fees and Charges are publicly exhibited for 28 days	May
Final Fees and Charges are adopted by Council, ready for start of the new financial year	June

Figures submitted should show the GST (Goods and Services Tax) inclusive amount. Once Council has adopted the fees and charges, a list will be supplied to each Committee. Adopted fees and charges are effective from 1 July each financial year.

The Committee is not able to provide subsidies or waive hire fees. All requests concerning fee reduction must be referred to Council.

FEES AND CHARGES MAY NOT BE VARIED WITHOUT THE PRIOR WRITTEN APPROVAL OF COUNCIL

10.4 Donations

Committees are not permitted to make donations.

Committees can accept donations, which are to go to the care, maintenance and improvements of the facility.

10.5 Income and Expenditure recording

Income and expenditure must be recorded in an excel spreadsheet or suitable accounting software. The Income and Expenditure Record is the Committee' record of funds received and spent, the transactions (both incoming and outgoing) that have occurred, and total amount of cash on hand at any one time.

All income and expenditure should be recorded in the month they appear on the bank statement. This will ensure the reconciling of the records to the bank statement at the end of each month.

10.6 Expenditure/ Payments documentation

A Tax Invoice is required to make a payment to a supplier for goods or services. A Tax Invoice shows the supplier's ABN and whether GST is charged or not. These should be kept in payment order and noted with the internet banking receipt number (or cheque number) and date of payment for easy reference and to prevent double payment.

Where a Tax Invoice is not supplied a "Statement by a supplier" (on an approved ATO Form) must be supplied with the account for payment. Note the 'Statement by supplier' will only be required once per year for each supplier that does not have an ABN.

Payments to suppliers should be made by electronic funds transfer where possible (internet banking).

10.7 Income/ Receipts documentation

Hirers and users of the facility should be encouraged to pay by direct deposit into the Committee's bank account.

A receipt must be issued for every payment received and monies should be banked regularly. Internet receipts are acceptable, or if you receive a cheque as payment, a manual receipt will be needed. The receipt of cash is an area where strict control is required. The safest method is to have only a limited number of approved people who have the responsibility for receiving funds, issuing receipts and banking monies.

10.8 Monthly bank account reconciliations

The Treasurer should reconcile the committee's bank account at the end of every month and submit to Council:

- A copy of income/receipts taken for the month
- A Request for Reimbursement of expenses for the month

Bank reconciliation instructions and form are available to assist completing bank reconciliation. It is a good idea to provide an up-to-date financial report to each Committee meeting held.

10.9 Quarterly GST Reporting to Council and providing Council with Annual Financial Statements

The treasurer will need to undertake a quarterly reconciliation and submit to Council:

- A profit and loss statement
- A balance sheet
- Completed GST Calculation Template for BAS at the end of the financial year. An Annual Financial Report and balance sheet for the entire financial year is required to be submitted.

10.10 Keeping records

Committees are required to keep complete and accurate records. The following guidelines and procedures have been prepared to give members of Committees a greater understanding of the tasks they have undertaken.

Steps required to keep complete and accurate records:

- Open and maintain a bank account in the Committee's name.
- Make as many payments as you can electronically (internet banking). Avoid paying cash.
- Bank receipts promptly into the bank account.
- Record details in the electronic income and expenditure record. Keep the record updated regularly - at least monthly.
- Reconcile the bank account regularly - monthly or each time a bank statement is received and at the end of the financial year.
- Retain supporting documentation or evidence of payments.

The Income Tax Assessment Act requires records to be retained for seven years. It is important to retain invoices and other supporting documentation.

10.11 Manual account records

All of the section above (section 10) applies, and below is information about how to keep accounts manually. Please note that manual records, books and forms in hard copy, are being phased out.

To keep accurate accounts records, Committees need to maintain the following books and forms:

- Cheque Book
- Expenditure documentation
- Receipt Books
- Cash Book
- Bank Deposit Book
- Reporting of financials to each meeting
- Monthly bank account reconciliations and providing necessary paperwork to Council for reimbursements
- Quarterly GST Reporting and Annual Reporting to Council

10.11.1 Cheque Book

The cheque book should normally be held by the Treasurer and must only be drawn upon with the joint signatures of two of the executive. Payments on behalf of the Committee made by cheque will be crossed and marked "Not Negotiable".

Payments will have some form of supporting documentation.

Payments will be authorised by the Committee.

Payments must be entered in the Cash Book under the appropriate cost heading.

10.11.2 Expenditure/Payments Documentation

A Tax Invoice is required to make a payment to a supplier for goods or services. These should be kept in payment order and noted with the cheque number and date of payment for easy reference and to prevent double payment.

Where a Tax Invoice is not supplied a "Statement by a supplier" (on an approved ATO Form) must be supplied with the account for payment. Note the 'Statement by supplier' will only be required once per year for each supplier that does not have an ABN.

10.11.3 Receipts/Income Documentation

Receipt books must bear the Committee's name (a stamp will do), have a fixed duplicate copy and be numbered. A receipt book can be supplied by Council. A receipt must be issued for every payment received and monies should be banked regularly. The receipt of cash is an area where strict control is required. The safest method is to have only a limited number of approved people who have the responsibility for receiving funds, issuing receipts and banking monies.

Keep a record of receipt books detailing the number and location (i.e., in use or not). Record receipt number in the Committee's Cash Book under the appropriate income heading and on the deposit form retained by you. Never give change for a cheque payment.

Avoid altering amounts on receipts. If it is necessary to alter a receipt, cross through the incorrect entry and insert the correct amount. Always initial alterations. It is more acceptable to cancel a receipt and retain both the original and duplicate in the book than to alter a receipt.

Amounts must show whether it is "GST inclusive" or not.

10.11.4 Cash Book

This book is sometimes called the Journal or Ledger. The Cash Book is the organisation's record of what money is received and spent, the transactions (both incoming and outgoing) that have occurred, and how much cash is on hand at any one time.

A twelve (12) or eighteen (18) column cash book gives most Committees enough room for details or electronic accounting may be used. It is essential to have receipts and payment on separate pages or in some cases, separate section of the cash book. Across the page the columns are headed to allow the date, receipt or cheque number, cost or income allocation and totals. Have appropriate and sufficient cost or income headings for frequent transactions, try not to have too many items under sundries or miscellaneous - it makes things difficult when preparing end of year figures.

Update the Cash Book on a regular basis so it does not become a big job. The totals down the page should always equal the totals across the page - do this each time you rule off a page. Check that the totals carried forward onto the next page are correct.

Bank fees, interest, etc wherever possible should be written in the Cash Book in the month they were raised or when bank statements are received. This assists with reconciling the cash book to the Bank statements.

Show payments made either by cheque or direct credit, during the month in the cash book whether they have been presented or not. Show income received during the month whether banked or not.

For Committees banking through Council a monthly report will be provided to the Committee that is required to be reconciled in accordance with Section 5.3.

10.11.5 Bank Deposit Book

If not banking through Council, the bank you have nominated supplies this book and it is where the income is recorded for deposit into the Committee's account.

10.11.6 Monthly Bank Account Reconciliations

Check off the amounts received, and cheques written out in the cash book against the bank statement figures. From this, you can compile a list of outstanding deposits or unrepresented cheques and it also verifies that an incorrect figure does not appear in either record. Tick or cross entries only once - there is no need for multiple marks against each entry. Simply compare the cash book entry against the bank statement and if they agree, mark each once only. If the bank reconciliation does not agree, find the discrepancy. It will be either a mistake in the Cash Book or on the statement.

The Treasurer should submit to Council at the end of every month:

- A copy of income/receipts taken for the month
- A Request for Reimbursement of expenses for the month

10.11.7 Keeping the Books

Committees are required to keep complete and accurate records.

The following guidelines and procedures have been prepared to give members of Committees a greater understanding of the tasks that need to be undertaken.

Steps required to keep complete and accurate records:

- Open and maintain a bank account in the Committee's name.
- Make as many payments as you can electronically (internet banking) or pay by cheque. Avoid paying cash.
- Bank receipts promptly into the bank account.
- Write up the cash book regularly - at least monthly.
- Reconcile the bank account regularly - monthly or each time a bank statement is received and at the end of the financial year.
- Retain supporting documentation or evidence of payments.

10.11.8 Writing up the Cash Book

Cash books are available in various sizes from stationers and office supplies such as Newsagents.

Cash Payments:

- Enter appropriate headings in the book, ensuring the first column is "Bank" and the last one "Sundries".
- Enter cheques in cheque number order.
- Ensure every cheque is recorded in the book.
- Record cancelled cheques, but at no value.

10.11.9 Cash Receipts

- The same procedures as for cash payments.
- Amounts received must be receipted.

10.11.10 Reconciliation

Bank reconciliations need to be performed regularly because:

- They keep track of cheques that are outstanding and possibly lost;
- They ensure that a complete record is kept of transactions;
- They enable your accountant to prepare a balance sheet and accounts for your Committee;
- Take the monthly bank statement and write items such as bank fees, direct debits, etc into the cash book;
- Total up the columns; ensure they add the same across as well as down;
- Tick off items appearing in the cash book against the bank statements, noting those that are outstanding.

Finally, to complete reconciliation:

- Take - total Cash Book balance (brought forward from previous financial year);
- Plus - Income received to date in current financial year;
- Less - payments to date in the current financial year;
- This should equal - the balance on the bank statement; - (less unpresented cheques) - (plus unbanked deposits).

10.11.11 Retention of Records

The *Income Tax Assessment Act* requires records to be retained for seven years. It is important to retain invoices and other supporting documentation.

The financial reporting may be done electronically. A copy of the accounting must be backed up and available to Council upon request.

Note: Records of Committee, minutes of meetings, reports, invoices, receipts and the like should be provided to Council as soon as possible to ensure accurate record management.

11. LEGAL INFORMATION

11.1 Legal Issues

It is important for Committees to be aware that they are in fact acting on Council's behalf. Legally, the Committee is "Council" and any action which the Committee undertakes is Council's responsibility.

Committees sometimes believe they are responsible in their own right and that their actions are independent of Council. This is not the situation. Council delegates its authority to the committee to act on Council's behalf and Council can withdraw this delegation if deemed to be necessary.

11.2 Legal Action

The Committee is unable to enter into legal action.

11.3 Committee Record Keeping

The Australian Standard on Records Management (AS 4390-1996, Part 1. Clause 4.2.1) defines a record as recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity.

- No incoming or outgoing correspondence may be destroyed, with the exception of advertising material, newsletters, and magazines.
- Records should be stored in an area away from potential hazards, e.g., fuel, water, fire, vermin.
- Records should be stored in a secure location, e.g., locked cupboard or room.
- Release of original or photocopied records to any person, other than a current Committee member or an authorised Council Officer, is prohibited.
- Access to records by persons other than current Committee members or an authorised officer of Council is prohibited.
- Request for access to records, for persons other than those stated above, must be made through Council's Public Officer.
- The Committee acknowledges it has a responsibility under the *Privacy and Personal Information Protection Act 1998* to protect the personal information and privacy of individuals in general. The Committee will not provide to any person other than a committee member any personal information unless it has been specifically collected for the purposes for which it is being requested. This includes contact details for a member of the Committee unless that member has agreed those details can be provided to members of the public.

Records of Committees, eg, minutes of meeting, reports, invoices, receipts etc should be provided to Council as soon as possible to ensure accurate record management.

Where possible all records and correspondence should be sent via the Council identified email address to ensure accurate record management.

Committees may keep electronic and paper copies of records for the duration of their term, but these should be secondary copies as the originals must be provided to Council's records management team via email council@brokenhill.nsw.gov.au

The Committees need to be aware of the importance of minutes, because of their legal status and their liability for subpoena in court cases.

The Chairperson is required to sign the minutes of a meeting as the true record of proceedings of the meeting. The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members have said at the meeting, but there may be occasions when it is appropriate to record the context of the discussion

The Chairperson and the Secretary are responsible for the form of the minutes for proper confirmation and must check that there have been no unauthorised alterations to those minutes. The motion to confirm the minutes can only be moved and seconded by a person in attendance at that meeting to which the minutes relate.

11.4 Intellectual Property

The Committee acknowledges and agrees:

- It is important for Council to develop, maintain, protect and manage the organisation's intellectual property including copyrights, trademarks, registered designs, patents and databases.
- The Committee, as a delegate of Council, has a duty to observe and help protect Council's intellectual property by not copying or supplying such property without the express permission of Council.
- Council retains ownership of all intellectual property created by Committee members in the course of their Committee work.
- The Committee refer to Council's Contact Officer any questions relating to intellectual property rights or the use of another organisation's document.

11.5 Pecuniary Interest

Chapter 14 of the Act includes a new and separate framework for the handling of alleged breaches of the pecuniary interest provision of the Act.

The Act is about openness, accountability and transparency in decision making by Councils.

A Pecuniary Interest is one of financial benefit.

It is the responsibility of members of committees (who are not Councillors or designated persons):

- To disclose to the meeting any pecuniary interest in a matter before the meeting;
- Not to participate in the discussion of the matter before the committee in which the member has a pecuniary interest;
- Not to vote on the matter before the Committee meeting in which the member has a pecuniary interest.

A pecuniary interest does not exist where the interest is so remote or insignificant that it could reasonably be regarded as likely to influence any decision. The obligation to disclose is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.

11.6 Declaration of Interests

To protect individual members as well as the whole organisation, all committee members should declare their interests in advance. If a potential conflict arises, it should be declared as soon as possible. Where some financial, political or personal benefit is potentially involved, committee members should do one of the following:

- State their involvement in another organisation or business etc and the committee should be aware of this;
- State their involvement and ask that they not take part in discussion or decisions about the issues where there could be conflict; and leave the meeting room while such issues are being considered;
- State their other involvements and ask that the group determine whether they stay involved, or how they can participate without compromise; and
- State their involvement and that they believe they should resign from the committee because of this conflict.

11.7 Conflict of Interest

A conflict of interest can arise when a member of the Committee has other involvements or interests which make it difficult for them to always remain impartial when involved in discussions and decision makings. These can include:

- Business or professional activities;
- Employment or accountability to other people or organisations;
- Membership of other community organisations or service providers; or
- Ownership of property or other assets.

The conflict may lead to:

- Financial benefit e.g., Sale of goods or privileged knowledge;
- Political benefit e.g., Gaining or losing electoral support; or
- Personal benefit e.g., Career advancement or increased standing in the community.
- Committee Members are required to adhere to Council's Code of Conduct.

11.8 Disputes

a) External

Where individual citizens or groups of citizens of the LGA disagree with a resolution of the Committee or actions of the Committee, these bodies have the right to refer their grievances in writing to the Committee for reconsideration.

Where the Committee refuses to alter its decision or actions, the individual resident or group of citizens from within the LGA may present their grievance to Council in writing, for reconsideration.

Where such notice in writing is referred to Council, Council will request a report on the issue from the Committee. Upon receipt of the report the matter will be referred to Council for resolution.

Upon Council adopting a resolution, the details of Council's deliberations will be advised to the Committee and the resident or group of citizens who referred the matter to Council.

b) Internal

All disputes between members of the Committee are to be resolved within the Committee where possible.

Where a dispute occurs within a Committee the resolution of the majority of the Committee as a whole will determine the outcome, where this is not possible the Chairperson will have the casting vote.

There will be no right of appeal when the Committee has determined its resolution of a dispute; but where disputes are considered irreconcilable by the Committee, they will be referred to Council for resolution. Council's decision is final.

12. CORPORATE INFORMATION AND SOCIAL MEDIA

12.1 Correspondence

Correspondence from the Committee is effectively correspondence from Council, as the Committee acts on Council's behalf. Hence stringent conditions are required to ensure appropriate use of Council's name and logo.

12.2 Letterhead

Council will provide Committees with a Section 335 letterhead, for the use of committee correspondence.

12.3 Purpose of Correspondence

Usage of correspondence using Council logo and name, is limited to the activities of each specific authorised functional area of the committee and specifically limited to:

- Provision and seeking of information
- Extension of invitation
- Expressions of thank you
- Seeking of sponsorship (after approval of General Manager)
- General correspondence not committing Council or making public comment.

12.4 Council Identified Email Address

Committee Secretaries will be provided with Council identified email addresses, for each committee. This email address is to be used for all committee correspondence to officiate the correspondence and also comply with Council's record keeping requirements.

This email address will be inclusive of an Outlook booking calendar which is to be used for the recording of all facility bookings.

The use of Council identified email address is compulsory for all Section 355 Asset Committees and therefore individual private email addresses must not be used. The Committee Secretary will be responsible for the administration of the email address, an induction will be provided by Council.

12.5 Filing

Copies of correspondence from the Committee under Council's letterhead must be placed in Council's electronic document records management system within one (1) day of the letter being sent. This can be achieved by forwarding copies of correspondence to Council by emailing council@brokenhill.nsw.gov.au with the instruction: For record keeping purposes only.

12.6 Clerical Support

It is not the normal practice of Council to provide clerical support to Committees. A Committee may however apply for support and the General Manager will make a determination on whether assistance will be forthcoming.

In general terms, clerical support will only be offered if a Council employee is a member of the Committee, and the assistance is an extension of the employee's duties.

If support is offered, the level of assistance will be subject to negotiation between the Committee and Council and strict duties established. Council supports the principle that a Committee should be self-reliant and provide its own office bearers.

12.7 Sub Committees

The Committee may appoint working groups to report back to the Committee. These "Sub Committees" can be made up of non-committee members, have no legal standing and must recommend back to the Committee for ratification.

Members of Sub Committees must be registered as volunteers and duly noted in Committee meeting minutes and will be covered in accordance with this policy.

12.8 Use of Council logo

Committees are encouraged to use Council logo (subject to conditions).

- Use of Council logo MUST be approved prior to use.
- Council's Contact Officer will provide all Committees with the appropriate file format, size and colour of the logo suitable for use.
- Use of the logo is outlined in Council's Corporate Style Guide.

12.9 Marketing and Promotion

Marketing and promotion of the facility is necessary to maintain a level of awareness amongst the community for many reasons:

- To keep the facility top of mind for residents. This reminds people of its availability as a venue and will assist in encouraging locals to get involved in some way towards using the facility or volunteering in some capacity.
- Helps engender a sense of community ownership and pride in the venue.
- To encourage the facility's use with the aim of increasing revenue to maintain and improve the hall's features.
- To promote the facility as a Council asset delivering benefits to the local community as a critical focal point.

12.10 Social Media

Council's Social Media Policy and Social Media Guidelines apply to Section 355 Asset Committee members.

MARKETING AND PROMOTION IDEAS

Some ideas for marketing and promotion from existing committee members are provided to stimulate discussion for your hall or venue:

- Develop a vision for the hall/venue - where would you like to be in five years' time?
- How would you like to engage with your local community?
- What are the target groups for your venue to increase revenue to pay for hall upkeep?
- Have an easy-to-use website with online bookings and calendar.
- Advertise in local newsletters.
- Develop flyers for local noticeboards/to place in local businesses.
- Have community open days and allow hall users to showcase their activity.
- Provide a community function or event, such as a bush dance.
- Have regular themed social functions.
- Consider Facebook and other social media avenues.

Council would like to work with committees further on marketing and promoting venues, so please contact Council with your ideas, or for assistance.

13. RISK MANAGEMENT

13.1 General

Council is committed to providing a safe and healthy working environment for volunteers and the members of the public who use Council owned facilities, where risks are identified, assessed and eliminated or controlled. This will be achieved through identifying workplace hazards and implementing appropriate controls to reduce the level of risk to an acceptable level creating a safer, healthier workplace for all.

Council's risk management processes will be applied to ensure the safety and wellbeing of volunteers.

Councils Enterprise Risk Management Framework has been developed to ensure the appropriate documentation is kept to evidence the due diligence process and ensure all responsible steps are being taken to identify the risk to the committee and users of the facility.

Risk Management is a method of taking preventative and precautionary measures to avoid injury, loss and damage, to either persons or property. As a Committee of Council, the Committee has a duty of care to ensure the health, safety and welfare of persons using the facility. This involves regular maintenance, to keep the facility and grounds safe, clean and tidy, as well as a system of inspection to detect faults and hazards at an early stage.

Council and Committees, have a wide range of potential liability.

Liabilities can be based on statute and common law duties of care. To ensure compliance there must be appropriate policies, procedures and practices in place.

Copies of Council's Enterprise Risk Management Framework can be made available by contacting Council.

13.2 Hazards

A hazard is a situation which could potentially cause injury to a person or damage to property. If a hazard requires urgent attention a warning should be placed near the hazard to alert users of the facility to the danger. The Committee must contact Council to advise.

Committees are urged to apply some common sense rules for hirers of facilities such as restacking of tables and chairs, cleaning spills from floors, rubbish removal e.g., "chairs must be stacked in sets of no higher than (specify number) and placed against the wall".

13.3 Fire Protection

All Council facilities should be supplied with fire and safety equipment and information on how to use it. If this is not available Council must be notified immediately. Equipment will be inspected twice (2) annually by a professional qualified contractor. This is organised by Council's Strategic Assets Department. If the equipment is used irresponsibly by a hirer this should be deducted from the hirer's bond.

13.4 Emergency Exits (Buildings)

All exits must be identified by an illuminated exit sign and inspected by a qualified contractor. Emergency exit routes must be kept clear at all times. Exit doors should not be barred or locked at any time while the facilities are in use.

13.5 Inspections

Regular inspections are essential to identify potential risks, and to assist in the defence of claims brought against Council. Inspections must be thoroughly documented.

The Committee will be responsible for inspection of the facilities under their control. inspections may be either formal or informal.

13.5.1 Formal Inspections

Inspection of the facilities under the Committee's control must occur and be documented using checklists at least once every three (3) months using the S355 Committee Facility Hazard and Risk Inspection Checklist. Copies are to be forwarded to Council for record and actioning as required.

13.5.2 Safety Inspections by Hirers

It is the responsibility of the user groups/hirers to ensure that any field or facility is safe for the use immediately before and during its use. This will include ensuring there are no holes likely to cause injury and any broken glass and other hazardous matter is removed.

14. INSURANCE

14.1 General

Council is required to take out insurance policies to cover Council's liability as a consequence of Council's business activities. These policies include:

- Public Liability;
- Workers Compensation;
- Property;
- Professional Indemnity;
- Casual Hirers; and
- Personal Accident

Council does not provide the following insurances for volunteers:

- Personal Effects Insurance for loss or damage to a volunteer's personal effects
- Travel Insurance for local or overseas travel.
- It should be noted that all policies are subject to several conditions, imitations and exclusions contained within those policies, which are subject to change. For details of the current insurance provisions, please discuss with the Manager Enterprise Risk or Risk Team.
- Volunteers are not covered by the *Workers Compensation Act 1987* and are therefore not entitled to Workers Compensation.

14.2 Notification

Committees and hirer/user groups are instructed that any matter or incident which may give rise to a claim against Council must be reported to Council using Council S355 Incident/Injury Form as soon as practicable. This will ensure that investigations and remedial actions can be undertaken to protect Council's interests.

Council has a responsibility to notify its insurer as soon as a potential claim is known. Committees may receive advice regarding claims via writing, telephone call or by observation. Once the Committee becomes aware of potential claim, they are to notify the Contact Officer. If Council is not notified of claims which they could reasonably have known about indemnity may be denied by the insurer.

14.3 Volunteer Labour

For projects involving volunteer labour, an estimate of numbers and details of the project must be forwarded to the Contact Officer as soon as possible to ensure the project is covered by and noted on the appropriate policy.

Voluntary labour can be utilised to assist/or complete the project; but volunteers must be approved and inducted by Council in accordance with its Volunteer Management Framework.

To ensure that projects are not unnecessarily jeopardised, the following procedure will apply:

- At commencement of the improvement project all works and materials to be defined along with the sources of financial, material and labour inputs.
- Council's financial involvement is to be clearly defined as well as all items to be paid for by Council. Any items to be paid for will be ordered by Council.
- The project is to be discussed at a joint meeting between Council officers and responsible members of the particular Committee.

- The discussions, source of funds and responsibilities for various parts of the project are to be confirmed by letter.
- The names of any volunteers must be forwarded to Council prior to any work being carried out.
- The Committee is required to maintain a register of volunteers detailing the names and addresses of volunteers, duties performed, the date and time particular work was commenced and completed and details of any incident involving injury to a volunteer.
- All volunteers carrying out any work on, or associated activities in relation to, the Committee are required to give due regard to the safety of themselves and others, with respect to all activities/work being carried out and equipment being used and shall receive cover in accordance with Council's Public Liability and Personal Accident insurance.

14.4 Public Liability Insurance

Public liability insurance provides cover for its legal liability to the public for Council's business activities.

If a third party suffers property damage or personal injury as a result of Council or Committee negligence, they are covered under the public liability policy.

The Committee should note that the policy does not cover participants of events/and or groups/associations or incorporated bodies. By law, all incorporated bodies, sporting clubs must have their own public liability insurance as they are excluded from Council's policy.

14.5 Workers Compensation Insurance

Council's Workers Compensation Policy only covers Council employees . If contractors are engaged, they must provide a copy of a current workers compensation policy.

14.6 Property Insurance

Council maintains property insurance on all its facilities. This includes contents insurance on equipment owned by Council or the Committee such as furniture.

Any new equipment purchased by the committee must be notified to Council for inclusion in Council's asset register.

Other equipment belonging to sports clubs, playgroups etc is not covered by Council's policy and such groups must be advised to affect their own cover for such items if stored at the facility.

14.7 Professional Indemnity Insurance

Professional indemnity insurance usually refers to claims where it is alleged that incorrect advice, certificates or incorrect practice has occurred. Council may be liable for its conduct arising out of its representations or the conduct of its employees, consultants and committee members.

As discussed previously it is essential that all potential claims are reported as soon as practicable, and all documentation is collected and investigations conducted as soon as possible.

14.8 Casual Hirer Insurance

Council has coverage for casual hirers of its facilities. A casual hirer is a user that hires the facility for a one-off activity and excludes incorporated bodies, sporting clubs or associations of any kind. Such excluded groups must by law have their own insurance and the Committee as discussed previously, must sign and keep a copy with the booking documentation.

Casual Hirers insurance coverage is not automatically applied to one off activities/bookings. Details of bookings must be supplied to Council in writing, to allow the booking applicant to be added to Council's list of approved casual hirers.

14.9 Personal Accident Insurance

Personal accident insurance covers bodily injury for committee members whilst engaged in an activity directly or indirectly connected with or on behalf of Council, including whilst travelling directly to and from such activity.

Compensation will not be payable for those under the minimum age of 10 years and over the maximum age of 90 years.

15. MEETING PROCEDURES

15.1 Code of Meeting Practice

Meetings are to be conducted to a standard based on Council's adopted Code of Meeting Practice Policy. Specific standard requirements are detailed in this section and include:

- that a quorum be present;
- that appropriate notice is given;
- that business on the agenda is properly conducted; and
- that correspondence and minutes are recorded.

Committee members should work together to schedule meetings at a mutually convenient time for all. Ideally, meetings are held at the asset or facility, however if scheduling suitable meeting times becomes difficult due to bookings, they may be held in another public space, such as a cafe, park, etc. Meetings should not be held on private property.

15.2 Types of Meetings

Typically, there are three types of meetings that a Committee may hold.

15.2.1 Ordinary Meetings

Ordinary Meetings of the Committee are required to address correspondence, hiring of the facilities, finance matters, risk management matters and maintenance of the facility.

15.2.2 Annual General Meeting

The Annual General Meeting of the Committee is required to report on the activities of the Committee for the previous 12-month period and to develop proposals for development and maintenance of the facility for the coming 12-month period.

Appointment of all office bearers for the coming 12-month period will also take place at this meeting.

15.2.3 Extraordinary Meeting

An Extraordinary Meeting of the Committee may be called to discuss urgent business and matters outside the scope of an ordinary meeting, requested by two members of the Committee.

An agenda will be prepared and circulated to all members of the Committee with at least two (2) days' notice.

15.3 Frequency of Meetings

15.3.1 Ordinary Meetings

There should be minimum of four (4) meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.

15.3.2 Annual General Meeting

This meeting is required to be held once per year.

15.3.3 Extraordinary Meeting

This meeting should be held as required.

15.4 Agenda

The agenda is an organised list of headings of the major items, in order, that will be discussed at the meeting. A copy of the agenda is distributed to the Committee members at the commencement of the meeting, or before if it is possible. Late matters can be added to the agenda at the opening of the meeting as the Chairperson calls for discussion on the agenda.

Each item of business to be discussed at the meeting needs to be included on the agenda.

Unfinished business and reports on actions taken since previous meetings are included in the agenda under 'Business arising from previous minutes.

If items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting agenda.

The agenda is required to be sent out to all Committee members and Councillor Representatives at least one (1) week prior to the meeting.

15.5 Correspondence

15.5.1 Inwards Correspondence

A list of significant correspondence received (Inwards) is presented at the Committee meeting by the Secretary. This action is to inform members of new issues that may have arisen and to report on letters received in response to matters raised at previous meetings.

15.5.2 Outwards Correspondence

A list of significant correspondence sent out (Outwards) is provided to inform the members of the action taken on their behalf.

Correspondence is to be suitably filed together for future reference.

15.6 A Quorum

A quorum is the minimum number of members who must be in attendance to hold a meeting.

A quorum is reached when more than one half of the members are present.

If a quorum is not present within half an hour after the appointed starting time, the meeting will be adjourned to a time fixed by the Chairperson; or those present can hold an informal meeting to discuss matters, however no decisions can be made where a quorum is not present. Any decisions/motions are to be taken to a subsequent meeting where a quorum is present for recommendations and/or clarification.

15.7 Conduct of Business

Each item of business is discussed in the order in which it appears on the agenda. It is best to allow adequate time for discussion on important issues and to ensure relevant information on the matter under discussion is available at the meeting.

15.8 Voting

Voting allows members to express their agreement or disagreement. Voting can be conducted in one of two ways:

- a) Vote verbally
 - o The chairperson asks people to say 'for' or 'against' and then decides which group is the largest.
- b) Vote by show of hands
 - o The chairperson asks people in favour of a decision to raise their hands, counts hands and announces the total, and repeats the same process for those against.

For motions/recommendations, the Committee needs to have an agreement concerning the way a vote will be conducted (either a) or b) above), e.g., for the vote to be carried, you will need a simple majority (more than half). If it is a tied vote the Chairperson has the casting vote and where this happens, this should be recorded in the Minutes.

15.9 Minutes

Minutes of the meeting must be recorded and a motion/recommendation put forward by the Committee members. The motion/recommendation after being voted on by the Committee should be recorded as "carried" or "lost" (see part 15.8 Voting).

This document is to be an accurate recording on what happened at the meeting.

The draft Minutes of each meeting must be sent to Council within 14 days after the meeting and confirmed at the Committee's next meeting.

On receipt of the Minutes by Council they will be reviewed and the Committee may be contacted if required. Council will not act on Minutes recommendation/motions alone, a request for information/action etc. by Council must also be put in writing from the Committee via a Works Request Form.

The Committee is required to be aware of the importance of minutes due to their legal status and their liabilities to subpoena in court cases and be used for Access to Government Information release. Minutes of each meeting will be provided to the general public via Council's website in the interests of transparency and accountability.

The Chairperson is required to sign the minutes of a meeting as the true record of proceedings of the meeting. The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members have said at the meeting, but there may be occasions when it is appropriate to record the thrust of the debate.

The Chairperson and the Secretary are responsible for the form of the minutes for proper confirmation and must check that there have been no unauthorised alterations to those minutes. The Chairperson signs the minutes after they have been confirmed by the appropriate meeting (usually the next committee meeting). . The motion to confirm the minutes can only be moved and seconded by a person in attendance at that meeting to which the minutes relate.

15.10 Committee Records

Records of Committees, e.g., minutes of meeting, reports, invoices, receipts etc should be provided to Council as soon as possible.

See further information regarding records in the table below.

DOCUMENT	SENT TO COMMITTEE MEMBERS / COUNCILLOR REPRESENTATIVES	SENT TO COUNCIL
Agenda – Ordinary Meeting	At least one (1) week prior to the meeting	No
Agenda – Annual General Meeting	At least one (1) week prior to the meeting	No
Agenda – Extraordinary Meeting	At least two (2) days' notice	No
Correspondence List	To be sent with Agenda	No
Minutes		Yes - within 14 days after the meeting date
Records	Keep for term of Committee and ensure saved in Council's electronic document management system	Immediately

15.11 Roles of the Executive in Meetings

15.11.1 Chairperson

Before a meeting:

- Prepare the agenda (in consultation with the Secretary) setting out the items of business to be considered.
- Ensure the meeting is properly convened in accordance with these guidelines e.g. a quorum is present.

During a meeting:

- Chair the meeting, open the meeting, welcome and introduce members and guests.
- Keep members at the meeting focused on the topics being discussed and encourage all members to participate. Give all members an opportunity to speak on each topic.
- Ensure correct meeting procedures are followed and that control of the meeting is maintained, keeping track of time.
- Make sure that recommendations are relevant and understood by members. Ensure that the minute taker has recorded all recommendations that the Committee wishes to forward on to Council.
- Close the meeting.

15.11.2 Secretary

Before a meeting:

- Prepare the agenda (in consultation with the Chairperson).
- Make copies of the agenda if required and distribute to all members.

During the meeting:

- Take the minutes.
- Record all recommendations that are to be forwarded to Council.

After the meeting:

- Type minutes and distribute to all members.
- Ensure that accurate minutes are kept.
- Complete any actions as decided at the meeting.
- Provide a copy of the minutes and all inwards and outwards correspondence to Council.

15.11.3 Treasurer

Before/During the meeting:

- Provide a financial situation update

16. REPORT REQUIREMENTS

16.1 Annual Report

Committees are to provide Council with an annual report with inclusive financial statements by third (3rd) week in August each year.

Annual Reports are to detail the following information:

- Number of meetings conducted and dates of meetings
- A breakdown of attendance at meeting by each member
- Activities/Projects/Achievements
- Ongoing Issues
- Completed Maintenance
- Financial Report (bank balance etc)

16.2 Finance Reports

Committees are to provide Council with financial statements by third (3rd) week in August each year.

Financial Statements are to include the following information:

- Profit and Loss Statement
- Balance Sheet
- Supporting documentation as per clause 10.13

16.3 Quarterly GST Reporting

Quarterly GST Reporting is to include the following information:

- A profit and loss statement
- A balance sheet
- Completed Business Activity Statement (BAS)

16.4 Term Report

A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August.

Term Reports are to detail the following information:

- Overview of the responsibilities of the Committee
- Activities/Projects/Achievements/Highlights
- Ongoing Issues

REPORT	WHEN TO SEND TO COUNCIL
Annual Report	By the 3rd week in August - annually
Finance Report	By the 3rd week in August - annually
Quarterly GST Report	By the end of the 1st week following the end of the quarter
Term Report	By the 3rd week in August – quadrennial

17. DEFINITIONS

In this Manual the following definitions will apply:

The “**Act**” shall mean the *Local Government Act 1993*.

“**Advisory Committee**” shall mean Committees that report through to the General Manager and are established to provide advice on the implementation of Strategy. These Committees are not responsible for the care, control or management of Council Assets.

“**Asset Committee**” shall mean Committees that report directly through to Council and are responsible for the management responsibilities, functions and operations of community facilities, such as buildings and ovals.

“**Chairperson**” shall mean:

- for a meeting of Council – the Mayor;
- for a meeting of a Committee of Council – a member of the committee whose appointment has been approved by Council

“**Committee**” shall mean the body of persons appointed by Council to the Section 355 Committee in accordance with this framework.

“**Constitution**” shall mean and includes this document along with all schedules and attachments referred to in this document, including but not limited to any policy adopted by Council and set out in Item 5 of the Schedule.

“**Contact Officer**” shall mean Committee specific Council Contact Officer.

“**Council**” shall mean Broken Hill City Council.

“**Councillor**” shall mean a Councillor of the Broken Hill City Council.

“**Executive**” shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

“**Facility**” shall mean a Council owned building, oval or park.

“**Financial Year**” shall mean the period from 1 July year X to 30 June Year X + 1.

“**Framework**” shall mean the Section 355 Committee Framework that incorporates three components.

“**General Manager**” shall mean the person appointed or acting in the position of General Manager of Broken Hill City Council.

“**Intellectual Property**” means and includes the copyrights, trademarks, registered designs, patents and databases. In particular it refers to a range of Council resources including written material, design drawings, maps and plans, computer programs and databases.

“**LGA**” shall mean Local Government Area.

“**Manual**” shall mean this document, being the Section 355 Asset Committee Manual.

“**Personal Information**” shall mean “information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion” as per the definition included in Section 4 of the *Privacy and Personal Information Act (PIPPA) 1998*.

“**Record**” means recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity.

“**User group**” shall mean organisations which are granted use of any portion of the facilities on a license, annual, seasonal or longer-term basis. “**Volunteer**” means a person who assists the committee (either on a regular or casual basis) in a voluntary capacity but is not a member of the committee.

“**WHS Policy**” means any Work Health and Safety Policy or Procedure/s adopted by Council and includes any Manual or other document forming part of, or associated with any such Policy.

18. HOW DO I CONTACT COUNCIL

HOW?	CONTACT DETAILS
In Person	Council Administrative Centre 240 Blende Street Broken Hill NSW 2880
Post	Broken Hill City Council PO Box 448 Broken Hill NSW 2880
Phone	08 8080 3300
Fax	08 8088 3424
Email	council@brokenhill.nsw.gov.au
Emergency Contact (out of hours only)	0408 858 368
Opening Hours	9am to 4pm – Monday to Friday Cashier closes at 4pm

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www.brokenhill.nsw.gov.au

DRAFT SECTION 355 AGEING WELL ADVISORY COMMITTEE TERMS OF REFERENCE

QUALITY CONTROL		
EDRMS REFERENCES	11/432 – D22/16599	
RESPONSIBLE OFFICER	Director Corporate and Community	
APPROVED BY	Council	
REVIEW DATE	October 2028	
DATE	ACTION	MINUTE NUMBER
23 February 2022	Resolution to establish an Ageing Well Section 355 Committee	46757
27 April 2022	Adopted	46813
12 September 2022	Updated structure and membership	46957
October 2024	2024 Review and Update	N/A

1. Introduction

- 1.1 The Ageing Well Advisory Committee is a Section 355 Advisory Committee established by Council under Section 355 of the *Local Government Act 1993*.

2. Committee Name

- 2.1 The Committee shall be called The Ageing Well Advisory Committee.

3. Committee Objective

- 3.1 The Committee will assist Council's operations by providing a strategic focus on the ageing community and advocate for issues affecting the ageing population in the City.

4. Committee Delegation

- 4.1 To undertake an advisory role, providing advice and guidance on issues facing the ageing community of Broken Hill.

5. Restriction of Delegation

- 5.1 The Committee cannot approve the expenditure of money, employ staff or make policy on behalf of Council.

- 5.2 The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee.
- 5.3 If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

6. Structure and Membership

- 6.1 The minimum membership required for a committee to remain viable is four (4) members, however the Committee shall ideally consist of eighteen (18) members, appointed by resolution of Council, such members to be nominated in the following manner:
- At least Three (3) Councillor Representatives
 - At least five (5) Community Representatives
 - At least three (3) community representatives who either are a person of senior years or who care for a person in their senior years.
 - At least two (2) community representatives from the First Nations community who either are a person of senior years or who care for a person in their senior years.
 - A representative from each of the following organisations:
 - Southern Cross Care
 - NSW Health
 - Maari Ma
 - RFDS Wellbeing Centre
 - YMCA
 - Pensioners Association
 - Life Without Barriers
 - LiveBetter Community Services
 - Australian Unity Home Care Service
 - UnitingCare Community Care- Far West Miraga
- 6.2 Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming agenda items.
- 6.3 Council reserves the right to amend the number of Committee members and category of representation.

7. Term of Appointment

- 7.1 The term of the Committee is the same term as the elected Council.

8. Principal Spokesperson

- 8.1 The principal spokesperson for the committee shall be the Chairperson.
- 8.2 The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and/or appropriate.

9. Meetings

- 9.1 There should be a minimum of four (4) meetings held per year, or more frequently if so determined by the Committee.
- 9.2 There should be one (1) Annual General Meeting held per year, at which the Committee will appoint its executive.

10. Reporting Requirements

- 10.1 Committees are to provide Council with an Annual Report inclusive of financial statements if applicable, by the third (3rd) week in August each year.
- 10.2 A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four (4) year term and forwarded to Council by the third (3rd) week in August.

11. Records

- 11.1 The Committee is required to keep all proper records.
- 11.2 Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

12. Framework

- 12.1 The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 1993* (Delegations), and Section 441-443 *Local Government Act 1993* (Pecuniary Interest).
- 12.2 The Committee will comply with all provisions of Council's Section 355 Advisory Committee Framework.

13. Review

- 13.1 Review of all Section 355 Committees, their structures, and Framework including Constitutions or Terms of Reference will be conducted annually in September following presentation of the Committees Annual Reports and Financial Statements.
- 13.2 Constitutions and Terms of Reference will be reviewed by Council following each Local Government General Election (4 yearly), by Council resolution, at the request of the Committee or at the discretion of the General Manager.

14. Definitions:

“**Council**” shall mean Broken Hill City Council

“**Committee**” shall mean the Ageing Well Committee

“**Executive**” shall mean the Chairperson, Deputy Chairperson and Secretary of the Committee

“**Senior Citizen**” is defined and accepted as a person over 65 years or a person over 50 years in the First Nations community

DRAFT CONSTITUTION OF THE ALMA OVAL COMMUNITY COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D12/14773 – 12/45	
RESPONSIBLE POSITION	Director Corporate and Community	
APPROVED BY	Council	
REVIEW DATE	October 2024	REVISION NUMBER 7
EFFECTIVE DATE	ACTION	MINUTE NUMBER
29 November 2006	Adopted	42070
31 January 2007	Amended	42126
31 July 2013	Amended	44407
14 December 2016	Membership number amended	45410
29 March 2017	Adopted	45508
30 March 2022	Adopted	46795

1. INTRODUCTION

- 1.1. The Alma Oval Community Committee is a Section 355 Asset Committee established by Council under Section 355 of the *Local Government Act*.

2. COMMITTEE OBJECTIVE

- 2.1. To undertake an advisory role in respect of the care, maintenance, repair, beautification, improvement and management of the Oval; the Committee shall liaise with Council through a Contact Officer or current Councillor Representative/s on the Committee, in respect of proposed projects.
- 2.2. To carry out works as approved by Council.
- 2.3. To maintain a record of bookings of the Oval and its facilities in the Outlook Calendar associated with the Committee's Council identified email address - almaoval@brokenhill.nsw.gov.au.
- 2.4. To provide access to the Oval and its facilities for use by citizens of and visitors to Broken Hill without distinction.

- 2.5. To allow any regular user of the Oval to erect structures under such conditions as the Committee shall see fit, provided that no such agreement shall be concluded without the approval in writing of the Council; to ensure any necessary approvals are sought and so that Council's insurers are aware of the event activity.
- 2.6. To ensure a copy of current rules of use of the Oval and its facilities and the current schedule of fees and charges are exhibited in an appropriate public place at the sportsground.
- 2.7. To recommend to Council the making of rules or setting of any fees and charges, none of which to be implemented without formal approval by Council.

3. COMMITTEE NAME

- 3.1. The Committee shall be called the Alma Oval Community Committee.

4. COMMITTEE ASSET LOCATION AND ADDRESS

- 4.1. The Committee shall manage and maintain the Alma Oval, situated at 105 Wilson Street.
- 4.2. The postal address of the Committee will be c/- PO Box 448, Broken Hill NSW 2880, unless otherwise advised.



5. COMMITTEE DELEGATION

Committees are responsible for the tasks delegated by Council which may include letting, cleaning, maintenance, minor repairs and operations.

- 5.1. To oversee and conduct the necessary duties of watering, weeding and lawn edging, sundry repairs and maintenance to watering systems and fixtures.
- 5.2. To present the Oval at a standard of appearance that is satisfactory to the community.
- 5.3. To provide a satisfactory service to users of the Oval and to advise Council promptly of safety and maintenance concerns.
- 5.4. To request Council assistance in removal of dead trees and any other task that requires the use of high-risk power tools such as chainsaws.
- 5.5. To recommend to Council an annual works maintenance program and any special projects proposed by the Committee.
- 5.6. To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance at nil cost and without voting rights.
- 5.7. To recommend to Council any fees and charges for use of the Oval, each financial year for Council's consideration.
- 5.8. To accept all bookings for use of the Oval and keep all necessary records in respect of same.
- 5.9. To ensure that all Committee members abide by all of Council's Work, Health and Safety requirements, that all designated personal protective equipment (eg, gloves, safety glasses) required by Council are used; and to ensure that safety procedures for use of the sportsground are monitored.
- 5.10. To bring to Council's attention by way of recommendation through the Council or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

6. RESTRICTION OF DELEGATION

The Committee may not make decisions concerning the following:

- 6.1. The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by Council Insurance where they are registered with the Committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.
- 6.2. Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control).
- 6.3. Borrowing any monies.
- 6.4. The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended).
- 6.5. Formation of submissions to government policies or implementation of policies without the prior written consent of Council.

- 6.6. The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting.
- 6.7. The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work).
- 6.8. Committee membership is a voluntary position. Any honorariums for services such as groundskeeping, cleaning etc are to be recommended by the Committee and are subject to the approval of Council through the meeting minutes. Reimbursement of out of pocket expenses for telephone and postage, relating to bookings of the facility are permitted on presentation of detailed receipts, and all expenses are to be recorded appropriately.
- 6.9. Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available.
- 6.10. Vote on monies for expenditure on the works, services or operations of Council.
- 6.11. The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.
- 6.12. If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

7. COMMITTEE VS COUNCIL RESPONSIBILITY

ITEM	COMMITTEE	COUNCIL
EXTERNAL		
Walls – structure and cladding	Inspection and reporting of defects to Council Minor repairs	Major repairs and replacement
Walls – finishing	Cleaning, removal of graffiti and paint touch ups	Painting and resurfacing
Water supply and fittings – taps and valves	Maintenance and lubrication Inspection and reporting of defects to Council Replacement of washers	Repair and replacement
Water supply and fittings – pipe works	Inspection and reporting of defects to Council Securing off in emergency	Repair and replacement
Plumbing – sewerage lines and septic	Inspection and reporting of defects to Council Emergency unblocking or make safe repairs	Repair and replacement
Guttering, down pipes, waste pipes and drains	Inspection and reporting of defects to Council Clear foreign objects, blockages, mud etc.	Repair and replacement
External roofs, guttering and flashing	No responsibility	Repair and replacement

Skylights	No responsibility	All maintenance and repair as required
Light globes and fittings	Replacements of globes no higher than two metres above head height	Replacement of any street lighting or light fittings Replacement of globes two meters above head height
Doors, including door hardware	Immediate securing where damaged	Repair and replacement
Windows – frames and locks	Inspection and reporting of defects to Council Lubrication of hardware	Repair and replacement
Windows – glazing	All regular cleaning and maintenance Immediate securing if broken	Repair and replacement
Locks and security systems	Maintain key register Replace keys and locks not on Council Key Register Immediate securing of building if damaged Minor lubrication of locks Engage security service if required	Purchase, installation, service and maintenance where compatible with Council's Key Register
INTERNAL		
Internal walls and ceilings – fabric	Inspection and reporting of defects to Council	Repair and replacement
Internal walls – painting	Cleaning	Painting and resurfacing
Ceilings – structure	Inspection and reporting of defects to Council	Repair and replacement
Ceilings – surfacing	Inspection and reporting of defects to Council	Repair and replacement
Floor structure	Inspection and reporting of defects to Council	Repair and replacement
Floor surfaces and coverings	All regular cleaning and maintenance	Repair and replacement
Doors (including cupboards, doors and door fittings)	Regular cleaning Lubrication of hardware	Repair and replacement
Windows – curtains and blinds	Regular cleaning and minor repair	Replacement
Internal electrical wiring and fittings	Make safe immediately	Repair and replacement
Light globes	Replacement of globes	Replacement of globes where Committee risk assessment unable to manage risk
Light fittings	Inspection and reporting of defects to Council	Repair and replacement
Water supply and fittings	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Internal plumbing – pipes, cisterns, toilet bowls. Hand basins, sinks	Minimise any leakage and further damage	Repair and replacement

Heating, air-conditioning fixtures, hot water systems, appliance	Payment of all gas, water and electricity bills, and inspection and reporting of defects and services	Repair and replacement
Consumables to kitchens, toilets and bathrooms	Supply and replenish	No responsibility
Sanitary disposal	Supply and maintain	No responsibility
Cleaning – including all amenities	Full responsibility	No responsibility
ESSENTIAL SERVICES		
Testings and tagging of electrical cords	Regular visual inspections. Remove damaged items from service. Arrange testing and tagging of electrical cords by a Licensed Electrician (or competent person) every two years or at Council's direction	Pay for all testing and tagging. Audit of currency of tags as part of regular inspections
Emergency lighting / exit signs	Inspection and reporting of defects to Council	Six monthly testing Repair and replacement
Evacuation plan	Display prominently	Prepare in consultation with Committee
Paths of travel	Inspect and maintain clear paths of travel at all times Check all door handles on paths of travel	Audit according to regulations
All other Essential Safety Measures	Monitor and report to Council	Act as required
First Aid Kits	Maintain and replenish	Initial Supply
SURROUNDS		
Paths and paved areas	Inspection and reporting of defects to Council Weed maintenance	Repair and replacement
Fencing and gates	Inspection and reporting of defects to Council Lubrication of hardware Maintain key register	Repair and replacement
Nature strips and grassed areas	Mowing, regular re-seeding and weed maintenance	Returfing, fertilising, selective herbicide spraying
Sports fields and playing surfaces - watering	Report to Council any concerns or issues with irrigation system	Selection of watering schedules/ amounts/ maintenance or irrigation system including repair works
Sports fields and playing surfaces -	Minor maintenance, inspection and reporting of defects to Council Whipper snipping of grass around fence line and goal posts. Removal of rubbish and debris.	General maintenance of surface including mowing, herbicide spraying, scarifying, top dressing and fertilising where required. All major repairs
Sports fields and playing surfaces – other	Inspection and reporting of defects to Council	Construction, repair and replacement, annual seasonal renovation (cricket pitch only)

Garden beds and shrubs	Watering, fertilising, maintenance, replanting and keeping tidy	Construction and refurbishment
Trees	Inspection and reporting of defects to Council feeding and watering	Planting and all pruning, inspection of potential tree removal and removals if necessary
outdoor furniture	Inspection and reporting of defects to Council Cleaning	Repair and replacement
Internal roadways and car parks	Inspection and reporting of defects to Council Maintain free of obstructions	Construction, repair and resurfacing, signage
facility perimeter signage	Inspection and reporting of defects to Council	Installation, repair and replacement
Light towers	Monitoring usage for cost recovery (per Council's Schedule of Fees and Charges)	Total responsibility for purchase, installation, utility costs, repairs and maintenance
Australian rules football goal posts and nets	Inspection and reporting of defects to Council	Repair and replacement
Other Nets and goal posts	Total responsibility	No responsibility
Sports surface line marking	Complete as required	Assist Committee upon request
Fire prevention works	Remove all flammable materials from around buildings	Audit according to regulations
Hazardous substances and dangerous goods storage	Responsible for storing to relevant Work Health and Safety Standards	Audit according to regulations

8. STRUCTURE AND MEMBERSHIP

8.1. The minimum membership required for a committee to remain viable is four (4) members, however the Committee shall ideally consist of six (6) members to be appointed by resolution of the Council, such members to be nominated in the following manner:

At least one (1) Councillor representative

- At least one (1) representative per current user group
 - Council will write to the current user groups each term of Council inviting nominations to the Committee and as required throughout the term, should the resignation of a committee member be received.

8.2. Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.

8.3. Council reserves the right to amend the number of Committee members and category of representation.

9. TERM OF APPOINTMENT

9.1. The term of a committee is the same term as the elected Council.

10. PRINCIPAL SPOKESPERSON

10.1. The principal spokesperson for the Committee shall be the Chairperson.

- 10.2. The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and/or appropriate.

11. MEETINGS

- 11.1. There should be a minimum of four (4) meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.
- 11.2. There should be one (1) Annual General Meeting held per year, at which the Committee will appoint its executive.

12. REPORTING REQUIREMENTS

- 12.1. Annual Report - Committees are to provide Council with an Annual Report inclusive of financial statements by the third (3rd) week in August each year.
- 12.2. Finance Reports - Committees are to provide Council with financial statements by third (3rd) week in August each year.

Financial Statements are to include the following information:

- Profit and Loss Statement
 - Balance Sheet
 - Supporting documentation as per clause 10.11 of the Section 355 Asset Committee Manual
- 12.3. Quarterly GST Reporting - Quarterly GST Reporting is to include the following information:
- A Profit and Loss Statement
 - A Balance Sheet
 - Completed Business Activity Statement (BAS)
- 12.4. Term Report - A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August.

13. RECORDS

- 13.1. The Committee is required to keep all proper records.
- 13.2. Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

14. FRAMEWORK

- 14.1. The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 1993* (Delegations), and the Model Code of Conduct for all Councils in NSW.
- 14.2. The Committee will comply with all provisions of Council's Section 355 Asset Committee Framework.

15. REVIEW

- 15.1. Review of all Section 355 Committees, their structures, Framework and Constitutions will be conducted annually in September following presentation of the Committees Annual Reports and Financial Statements
- 15.2. Constitutions will be reviewed by Council following each Local Government General Election (4 yearly), by Council resolution, at the request of the Committee or at the discretion of the General Manager.

16. DEFINITIONS

“Council” shall mean Broken Hill City Council.

“Committee” shall mean the Alma Oval Community Committee.

“Executive” shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

“User Group” shall mean organisations which are granted use of any portion of the facility on a license, annual, seasonal or longer-term basis.

“Oval” shall mean the Alma Oval.

DRAFT CONSTITUTION OF THE BROKEN HILL CITY ART GALLERY ADVISORY COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D17/11039 – 11/9	
RESPONSIBLE POSITION	Director Corporate and Community	
APPROVED BY	Council	
REVIEW DATE	October 2024	REVISION NUMBER 11
EFFECTIVE DATE	ACTION	MINUTE NUMBER
December 2013	Document Developed	N/A
18 December 2013	Adopted	44529
26 February 2014	Amendment to Schedule 1	44599
7 May 2014	Document Re-formatted	N/A
28 May 2015	Document Re-formatted and amended	N/A
22 February 2017	Constitution amended to include 3 additional Community Representatives	45473
29 March 2017	Adopted	45508
29 March 2017	Constitution amended to include 1 additional Community Representative	45509
6 June 2018	Constitution amended to reduce Community Representatives by 3	N/A
27 June 2018	Adopted	45847
26 September 2018	Councillor Representative reduced from 3 to 2	45921
30 March 2022	Adopted	46795
October 2024	2024 Review and update	N/A

1. INTRODUCTION

- 1.1 The Broken Hill City Art Gallery Advisory Committee is a Section 355 Advisory Committee established by Council under Section 355 of the *Local Government Act 1993*.

2. COMMITTEE NAME

- 2.1 The Committee shall be called the Broken Hill City Art Gallery Advisory Committee.

3. COMMITTEE ASSET LOCATION AND ADDRESS

- 3.1 The Committee will not manage an asset, but in close consultation with Gallery Management, will advise Council in guiding programs and events for Broken Hill City Art Gallery. The postal address of the Committee will be c/- PO Box 448, Broken Hill NSW 2880, unless otherwise advised..

4. COMMITTEE OBJECTIVE

- 4.1 Undertake an advisory role in consultation with Gallery management.
- To provide a forum to enable Council and community projects and initiatives to be discussed.
 - To provide an opportunity for community representatives to provide professional and credible advice for Council's consideration in relation to matters relevant to the artistic community.

5. COMMITTEE DELEGATION

- 5.1 To undertake an advisory role in consultation with Gallery management.
- 5.2 To make suggestions to Council for the improvement, presentation and general development of the Broken Hill City Art Gallery.
- 5.3 To recommend to the Council annual maintenance of conservation works and any special projects proposed by the Committee.
- 5.4 Undertake the role of seeking private sponsorship, raising philanthropic funds and fundraising towards the Gallery's acquisition and commission fund.
- 5.5 Undertake the role of seeking private sponsorship, raising philanthropic funds and fundraising toward the Gallery's restoration fund.
- 5.6 To make recommendations to Council as outlined in the Public Art Policy.
- 5.7 To make recommendations to Council regarding acquisitions as outlined in the Acquisitions Policy and the Broken Hill City Art Gallery – Donations and Gifts Policy.

6. RESTRICTION OF DELEGATION

- 6.1 Any works undertaken will be with the knowledge and approval of Council's Manager Corporate Risk.
- 6.2 The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/function under its management and control.
- 6.3 If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

7. STRUCTURE AND MEMBERSHIP

7.1 The minimum memberships required for a Committee to remain viable is 4 (four) members, however the Committee shall ideally consist of nine (9) members to be appointed by resolution of the Council, such members to be nominated in the following manner:

- At least two (2) Councillor representatives
- Seven (7) community members with demonstrated expertise in heritage, arts, culture and/or event planning
 - At least one (1) of whom is a young person under 26 years; and
 - At least one (1) of whom is a First Nation person

Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.

7.2 Council reserves the right to amend the number of Committee members and category of representation.

8. TERM OF APPOINTMENT

8.1 The term of a committee is the same term as the elected Council.

9. PRINCIPAL SPOKESPERSON

9.1 The principal spokesperson for the committee shall be the Chairperson.

9.2 The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and/or appropriate.

10. MEETINGS

10.1 There should be a minimum of four meetings held each year, or more frequently if so determined by the Committee.

10.2 There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

11. REPORTING REQUIREMENTS

11.1 Committees are to provide Council with an Annual Report inclusive of financial statements if applicable, by the third (3rd) week in August each year.

11.2 A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August.

12. RECORDS

12.1 The Committee is required to keep all proper records.

12.2 Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

13. FRAMEWORK

- 13.1 The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 1993* (Delegations), and the Model Code of Conduct for Local Councils in NSW.
- 13.2 The Committee will comply with all provisions of Council's Section 355 Advisory Committee Framework.

14. REVIEW

- 14.1 Review of all Section 355 Committees, their structures, and Framework including Constitutions will be conducted. by Council following each Local Government General Election, or by Council resolution, at the request of the Committee or at the discretion of the General Manager.

15. DEFINITIONS

"Council" shall mean Broken Hill City Council.

"Committee" shall mean the Broken Hill City Art Gallery Advisory Committee.

"Executive" shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

DRAFT CONSTITUTION OF THE E.T. LAMB MEMORIAL OVAL COMMUNITY COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D12/14774 – 12/50	
RESPONSIBLE POSITION	Director Corporate and Community	
APPROVED BY	Council	
REVIEW DATE	October 2024	REVISION NUMBER 9
EFFECTIVE DATE	ACTION	MINUTE NUMBER
6 October 2004	Adopted	40741
29 March 2006	Amended	41709
29 November 2006	Amended	42070
31 January 2007	Amended	42126
28 March 2007	Amended	42190
25 February 2009	Amended	42918
31 July 2013	Amended	44407
29 March 2017	Adopted	45508
30 March 2022	Adopted	46795

1. INTRODUCTION

1.1 The E.T. Lamb Memorial Oval Community Committee is a Section 355 Asset Committee established by Council under Section 355 of the *Local Government Act*.

2. COMMITTEE OBJECTIVE

2.1 To undertake an advisory role in respect of the care, maintenance, repair, beautification, improvement and management of the Oval; the Committee shall liaise with Council through a Contact Officer or current Councillor Representative/s on the Committee, in respect of proposed projects.

2.2 To carry out works as approved by Council.

- 2.3 To maintain a record of bookings of the Oval and its facilities in the Outlook Calendar associated with the Committee's Council identified email address - lamboval@brokenhill.nsw.gov.au.
- 2.4 To provide access to the Oval and its facilities for use by citizens of and visitors to Broken Hill without distinction.
- 2.5 To allow any regular user of the Oval to erect structures under such conditions as the Committee shall see fit, provided that no such agreement shall be concluded without the approval in writing of the Council; to ensure any necessary approvals are sought and so that Council's insurers are aware of the event activity.
- 2.6 To ensure a copy of current rules of use of the Oval and its facilities and the current schedule of fees and charges are exhibited in an appropriate public place at the sportsground.
- 2.7 To recommend to Council the making of rules or setting of any fees and charges, none of which to be implemented without formal approval by Council.

3. COMMITTEE NAME

- 3.1 The Committee shall be called the E.T. Lamb Memorial Oval Community Committee.

4. COMMITTEE ASSET LOCATION AND ADDRESS

- 4.1 The Committee shall manage and maintain the E.T. Lamb Memorial Oval, situated at 125 Boughtman Street.
- 4.2 The postal address of the Committee will be c/- PO Box 448, Broken Hill NSW 2880, unless otherwise advised.



5. COMMITTEE DELEGATION

Committees are responsible for the tasks delegated by Council which may include letting, cleaning, maintenance, minor repairs and operations.

- 5.1** To oversee and conduct the necessary duties of watering, weeding and lawn edging, sundry repairs and maintenance to watering systems and fixtures.
- 5.2** To present the Oval at a standard of appearance that is satisfactory to the community.
- 5.3** To provide a satisfactory service to users of the Oval and to advise Council promptly of safety and maintenance concerns.
- 5.4** To request Council assistance in removal of dead trees and any other task that requires the use of high risk power tools such as chainsaws.
- 5.5** To recommend to Council an annual works maintenance program and any special projects proposed by the Committee.
- 5.6** To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance at nil cost and without voting rights.
- 5.7** To recommend to Council any fees and charges for use of the Oval, each financial year for Council's consideration.
- 5.8** To accept all bookings for use of the Oval and keep all necessary records in respect of same.
- 5.9** To ensure that all Committee members abide by all of Council's Work, Health and Safety requirements, that all designated personal protective equipment (e.g. gloves, safety glasses) required by Council are used; and to ensure that safety procedures for use of the Sportsground are monitored.
- 5.10** To bring to Council's attention by way of recommendation through the Council or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

6. RESTRICTION OF DELEGATION

The Committee may not make decisions concerning the following:

- 6.1** The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by Council Insurance where they are registered with the Committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.
- 6.2** Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control).
- 6.3** Borrowing any monies.
- 6.4** The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended).
- 6.5** Formation of submissions to government policies or implementation of policies without the prior written consent of Council.

- 6.6** The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting.
- 6.7** The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work).
- 6.8** Committee Membership is a voluntary position. Any honorariums for services such as groundskeeping, cleaning etc are to be recommended by the Committee and are subject to the approval of Council through the meeting minutes. Reimbursement of out of pocket expenses for telephone and postage, relating to bookings of the facility are permitted on presentation of detailed receipts, with all expenses are to be recorded appropriately.
- 6.9** Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available.
- 6.10** Vote on monies for expenditure on the works, services or operations of Council.
- 6.11** The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.
- 6.12** If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

7. COMMITTEE VS COUNCIL RESPONSIBLTY

ITEM	COMMITTEE	COUNCIL
EXTERNAL		
Walls – structure and cladding	Inspection and reporting of defects to Council. Minor repairs	Major repairs and replacement
Walls – finishing	Cleaning, removal of graffiti and touch ups	Painting and resurfacing
Water supply and fittings – taps and valves	Maintenance and lubrication Inspection and reporting of defects to Council Replacement of washers	Repair and replacement
Water supply and fittings – pipe works	Inspection and reporting of defects to Council Securing off in emergency	Repair and replacement
Plumbing – sewerage lines and septic	Inspection and reporting of defects to Council Emergency unblocking or make safe repairs	Repair and replacement

Guttering, down pipes, waste pipes and drains	Inspection and reporting of defects to Council Clear foreign objects, blockages, mud etc.	Repair and replacement
External roofs, guttering and flashing	No responsibility	Repair and replacement
Skylights	No responsibility	All maintenance and repair as required
Light globes and fittings	Replacements of globes no higher than two metres above head height	Replacement of any street lighting or light fittings Replacement of globes two meters above head height
Doors, including door hardware	Immediate securing where damaged	Repair and replacement
Windows – frames and locks	Inspection and reporting of defects Lubrication of hardware	Repair and replacement
Windows – glazing	All regular cleaning and maintenance Immediate securing if broken	Repair and replacement
Locks and security systems	Maintain key register Replace keys and locks not on Council Key Register Immediate securing of building if damaged Minor lubrication of locks Engage security service if required	Purchase, installation, service and maintenance where compatible with Council's Key Register
INTERNAL		
Internal walls and ceilings – fabric	Inspection and reporting of defects to Council	Repair and replacement
Internal walls – painting	Cleaning	Painting and resurfacing
Ceilings – structure	Inspection and reporting of defects to Council	Repair and replacement
Ceilings – surfacing	Inspection and reporting of defects to Council	Repair and replacement
Floor structure	Inspection and reporting of defects to Council	Repair and replacement
Floor surfaces and coverings	All regular cleaning and maintenance	Repair and replacement
Doors (including cupboards, doors and door fittings)	Regular cleaning Lubrication of hardware	Repair and replacement
Windows – curtains and blinds	Regular cleaning and minor repair	Replacement
Internal electrical wiring and fittings	Make safe immediately	Repair and replacement
Light globes	Replacement of globes	Replacement of globes where Committee risk assessment unable to manage risk
Light fittings	Inspection and reporting of defects to Council	Repair and replacement
Water supply and fittings	Maintenance and lubrication Inspection and reporting of defects to Council Replacement of washers	Repair and replacement

Internal plumbing – pipes, cisterns, toilet bowls. Hand basins, sinks	Minimise any leakage and further damage	Repair and replacement
Heating, air-conditioning fixtures, hot water systems, appliance	Payment of all gas, water and electricity bills, and inspection and reporting of defects and services	Repair and replacement
Consumables to kitchens, toilets and bathrooms	Supply and replenish	No responsibility
Sanitary disposal	Supply and maintain	No responsibility
Cleaning – including all amenities	Full responsibility	No responsibility
ESSENTIAL SERVICES		
Testings and tagging of electrical cords	Regular visual inspections. Remove damaged items from service. Arrange testing and tagging of electrical cords by a Licensed Electrician (or competent person) every two years or at Council's direction	Pay for all testing and tagging. Audit of currency of tags as part of regular inspections
Emergency lighting / exit signs	Inspection and reporting of defects to Council	Six monthly testing Repair and replacement
Evacuation plan	Display prominently	Prepare in consultation with Committee
Paths of travel	Inspect and maintain clear paths of travel at all times Check all door handles on paths of travel	Audit according to regulations
All other Essential Safety Measures	No responsibility	All responsibility
SURROUNDS		
Paths and paved areas	Inspection and reporting of defects to Council Weed Maintenance	Repair and replacement
Fencing and gates	Inspection and reporting of defects to Council Lubrication of hardware Maintain key register	Repair and replacement
Nature strips and grassed areas	Mowing, regular re-seeding and weed maintenance	Returfing, fertilising, selective herbicide spraying
Sports fields and playing surfaces - watering	Report any concerns or issues with irrigation system	Selection of watering schedules/ amounts/ maintenance or irrigation system including repair works
Sports fields and playing surfaces -	Minor maintenance, inspection and reporting of defects to Council, Whipper snipping of grass around fence line and goal posts. Removal of rubbish and debris.	General maintenance of surface including mowing, herbicide spraying, scarifying, top dressing and fertilising where required. All major repairs
Sports fields and playing surfaces – other	Inspection and reporting of defects to Council	Construction, repair and replacement, annual seasonal renovation (cricket pitch only)

Garden beds and shrubs	Watering, fertilising, maintenance, replanting and keeping tidy	Construction and refurbishment
Trees	Inspection and reporting of defects to Council Feeding and watering	Planting and all pruning, inspection of potential tree removal and removals if necessary
outdoor furniture	Inspection and reporting of defects Cleaning	Repair and replacement
Internal roadways and car parks	Inspection and reporting of defects to Council Maintain free of obstructions	Construction, repair and resurfacing, signage
facility perimeter signage	Inspection and reporting of defects to Council	Installation, repair and replacement
Light towers	Monitoring usage for cost recovery (per Council's Schedule of Fees and Charges)	Total responsibility for purchase, installation, utility costs, repairs and maintenance
Australian rules football goal posts and nets	Inspection and reporting of defects to Council	Repair and replacement
Other Nets and goal posts	Total responsibility	No responsibility
Sports surface line marking	Complete as required	Assist Committee upon request
Fire prevention works	Remove all flammable materials from around buildings	Audit according to regulations
Hazardous substances and dangerous goods storage	Responsible for storing to relevant Work Health and Safety Standards	Audit according to regulations

8. STRUCTURE AND MEMBERSHIP

8.1 The minimum membership required for a Committee to remain viable is four (4) members, however, the Committee shall ideally consist of eight (8) members to be appointed by resolution of the Council, such members to be nominated in the following manner:

- At least one (1) Councillor representative
- Allowance for at least one (1) representative per user group
- Reasonable number of community representatives reflecting the size and operations of the facility (to be approved by Council)

8.2 Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.

8.3 Council reserves the right to amend the number of Committee members and category of representation.

9. TERM OF APPOINTMENT

9.1 The term of a committee is the same term as the elected Council.

10. PRINCIPAL SPOKESPERSON

10.1 The principal spokesperson for the Committee shall be the Chairperson.

10.2 The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and/or appropriate

11. MEETINGS

11.1 There should be minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.

11.2 There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

12. REPORTING REQUIREMENTS

12.1 Annual Report - Committees are to provide Council with an Annual Report inclusive of financial statements by the third (3rd) week in August each year.

12.2 Finance Reports - Committees are to provide Council with financial statements by third (3rd) week in August each year.

Financial Statements are to include the following information:

- Profit and Loss Statement
- Balance Sheet
- Supporting documentation as per clause 10.11 of the Section 355 Asset Committee Manual

12.3 Quarterly GST Reporting - Quarterly GST Reporting is to include the following information:

- A Profit and Loss Statement
- A Balance Sheet
- Completed Business Activity Statement (BAS)

12.4 Term Report - A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August.

13. RECORDS

13.1 The Committee is required to keep all proper records.

13.2 Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

14. FRAMEWORK

14.1 The Committee will comply with all provisions of Section 355 *Local Government Act 1993 (Committees)*, Section 377 *Local Government Act 1993 (Delegations)*, and the Model Code of Conduct for all Councils in NSW.

14.2 The Committee will comply with all provisions of Council's Section 355 Asset Committee Framework.

15. REVIEW

- 15.1** Review of all Section 355 Committees, their structures, Framework and including Constitutions will be conducted by Council following each Local Government General Election, or by Council resolution, at the request of the Committee or at the discretion of the General Manager.

16. DEFINITIONS

“**Council**” shall mean Broken Hill City Council.

“**Committee**” shall mean the E.T. Lamb Memorial Oval Community Committee.

“**Executive**” shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

“**User Group**” shall mean organisations which are granted use of any portion of the facility on a license, annual, seasonal or longer term basis.

“**Oval**” shall mean the E.T. Lamb Memorial Oval.

DRAFT CONSTITUTION OF THE MEMORIAL OVAL COMMUNITY COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D12/14766 – 12/52	
RESPONSIBLE POSITION	Director Corporate and Community	
APPROVED BY	Council	
REVIEW DATE	October 2024	REVISION NUMBER 16
EFFECTIVE DATE	ACTION	MINUTE NUMBER
30 June 1976	Adopted	21323
21 October 1976	Amended	21715
25 February 1981	Amended	26554
15 December 1981	Amended	27437
5 November 1986	Amended	31887
3 October 1990	Amended	34351
25 September 1991	Amended	34985
30 September 1992	Amended	35731
2 November 1994	Amended	36759
29 November 1995	Amended	37136
26 November 1997	Amended	42070
31 January 2007	Amended	42126
31 July 2013	Amended	44407
29 March 2017	Adopted	45508
30 March 2022	Adopted	46795
October 2024	2024 Review and update	N/A

1. INTRODUCTION

- 1.1. The Memorial Oval Community Committee is a Section 355 Asset Committee established by Council under Section 355 of the *Local Government Act*.

2. COMMITTEE OBJECTIVE

- 2.1. To undertake an advisory role in respect of the care, maintenance, repair, beautification, improvement and management of the Oval; the Committee shall liaise with Council through a Contact Officer or current Councillor representative/s on the Committee, in respect of proposed projects.
- 2.2. To carry out works as approved by Council.
- 2.3. To maintain a record of bookings of the Oval and its facilities in the Outlook Calendar associated with the Committee's Council identified email address - memorialoval@brokenhill.nsw.gov.au.
- 2.4. To provide access to the Oval and its facilities for use by citizens of and visitors to Broken Hill without distinction.
- 2.5. To allow any regular user of the Oval to erect structures under such conditions as the Committee shall see fit, provided that no such agreement shall be concluded without the approval in writing of the Council; to ensure any necessary approvals are sought and so that Council's insurers are aware of the event activity.
- 2.6. To ensure a copy of current rules of use of the Oval and its facilities and the current schedule of fees and charges are exhibited in an appropriate public place at the sportsground.
- 2.7. To recommend to Council the making of rules or setting of any fees and charges, none of which to be implemented without formal approval by Council.

3. COMMITTEE NAME

- 3.1. The Committee shall be called the Memorial Oval Community Committee.

4. COMMITTEE ASSET LOCATION AND ADDRESS

- 4.1. The Committee shall manage and maintain the Memorial Oval, situated at 87 Williams Street.
- 4.2. The postal address of the Committee will be c/- PO Box 448, Broken Hill NSW 2880, unless otherwise advised.



5. COMMITTEE DELEGATION

Committees are responsible for the tasks delegated by Council which may include letting, cleaning, maintenance, minor repairs and operations.

- 5.1. To oversee and conduct the necessary duties of watering, weeding and lawn edging, sundry repairs and maintenance to watering systems and fixtures.
- 5.2. To present the Oval at a standard of appearance that is satisfactory to the community.
- 5.3. To provide a satisfactory service to users of the Oval and to advise Council promptly of safety and maintenance concerns.
- 5.4. To request Council assistance in removal of dead trees and any other task that requires the use of high-risk power tools such as chainsaws.
- 5.5. To recommend to Council an annual works maintenance program and any special projects proposed by the Committee.
- 5.6. To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance at nil cost and without voting rights.
- 5.7. To recommend to Council any fees and charges for use of the Oval, each financial year for Council's consideration.

- 5.8. To accept all bookings for use of the Oval and keep all necessary records in respect of same.
- 5.9. To ensure that all Committee members abide by all of Council's Work, Health and Safety requirements, that all designated personal protective equipment (e.g., gloves, safety glasses) required by Council are used; and to ensure that safety procedures for use of the Sportsground are monitored.
- 5.10. To bring to Council's attention by way of recommendation through the Council or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

6. RESTRICTION OF DELEGATION

The Committee may not make decisions concerning the following:

- 6.1. The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by Council Insurance where they are registered with the Committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.
- 6.2. Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control).
- 6.3. Borrowing any monies.
- 6.4. The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended).
- 6.5. Formation of submissions to government policies or implementation of policies without the prior written consent of Council.
- 6.6. The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending Committee meeting.
- 6.7. The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work).
- 6.8. Committee Membership is a voluntary position. Any honorariums for services such as groundskeeping, cleaning etc are to be recommended by the Committee and are subject to the approval of Council through the meeting minutes. Reimbursement of out of pocket expenses for telephone and postage, relating to bookings of the facility are permitted on presentation of detailed receipts, all expenses are to be recorded appropriately.
- 6.9. Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available.
- 6.10. Vote on monies for expenditure on the works, services or operations of Council.
- 6.11. The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.
- 6.12. If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

7. COMMITTEE VS COUNCIL RESPONSIBILITY

ITEM	COMMITTEE	COUNCIL
EXTERNAL		
Walls – structure and cladding	Inspection and reporting of defects to Council Minor repairs	Major repairs and replacement
Walls – finishing	Cleaning, removal of graffiti and paint touch ups	Painting and resurfacing
Water supply and fittings – taps and valves	Maintenance and lubrication Inspection and reporting of defects to Council Replacement of washers	Repair and replacement
Water supply and fittings – pipe works	Inspection and reporting of defects to Council Securing off in emergency	Repair and replacement
Plumbing – sewerage lines and septic	Inspection and reporting of defects to Council Emergency unblocking or make safe repairs	Repair and replacement
Guttering, down pipes, waste pipes and drains	Inspection and reporting of defects to Council Clear foreign objects, blockages, mud etc.	Repair and replacement
External roofs, guttering and flashing	No responsibility	Repair and replacement
Skylights	No responsibility	All maintenance and repair as required
Light globes and fittings	Replacements of globes no higher than two metres above head height	Replacement of any street lighting or light fittings Replacement of globes two meters above head height
Doors, including door hardware	Immediate securing where damaged	Repair and replacement
Windows – frames and locks	Inspection and reporting of defects to Council Lubrication of hardware	Repair and replacement
Windows – glazing	All regular cleaning and maintenance Immediate securing if broken	Repair and replacement
Locks and security systems	Maintain key register Replace keys and locks not on Council Key Register Immediate securing of building if damaged Minor lubrication of locks Engage security service if required	Purchase, installation, service and maintenance where compatible with Council's Key Register
INTERNAL		
Internal walls and ceilings – fabric	Inspection and reporting of defects to Council	Repair and replacement
Internal walls – painting	Cleaning	Painting and resurfacing
Ceilings – structure	Inspection and reporting of defects to Council	Repair and replacement

Ceilings – surfacing	Inspection and reporting of defects to Council	Repair and replacement
Floor structure	Inspection and reporting of defects to Council	Repair and replacement
Floor surfaces and coverings	All regular cleaning and maintenance	Repair and replacement
Doors (including cupboards, doors and door fittings)	Regular cleaning Lubrication of hardware	Repair and replacement
Windows – curtains and blinds	Regular cleaning and minor repair	Replacement
Internal electrical wiring and fittings	Make safe immediately	Repair and replacement
Light globes	Replacement of globes	Replacement of globes where Committee risk assessment unable to manage risk
Light fittings	Inspection and reporting of defects to Council	Repair and replacement
Water supply and fittings	Maintenance and lubrication Inspection and reporting of defects to Council Replacement of washers	Repair and replacement
Internal plumbing – pipes, cisterns, toilet bowls. Hand basins, sinks	Minimise any leakage and further damage	Repair and replacement
Heating, air-conditioning fixtures, hot water systems, appliance	Payment of all gas, water and electricity bills, and inspection and reporting of defects and services	Repair and replacement
Consumables to kitchens, toilets and bathrooms	Supply and replenish	No responsibility
Sanitary disposal	Supply and maintain	No responsibility
Cleaning – including all amenities	Full responsibility	No responsibility
ESSENTIAL SERVICES		
Testings and tagging of electrical cords	Regular visual inspections. Remove damaged items from service. Arrange testing and tagging of electrical cords by a Licensed Electrician (or competent person) every two years or at Council's direction	Pay for all testing and tagging. Audit of currency of tags as part of regular inspections
Emergency lighting / exit signs	Inspection and reporting of defects to Council	Six monthly testing Repair and replacement
Evacuation plan	Display prominently	Prepare in consultation with Committee
Paths of travel	Inspect and maintain clear paths of travel at all times Check all door handles on paths of travel	Audit according to regulations
All other Essential Safety Measures	Monitor and report to Council	Act as required
First Aid Kits	Maintain and replenish	Initial Supply
SURROUNDS		
Paths and paved areas	Inspection and reporting of defects to Council	Repair and replacement

	Weed maintenance	
Fencing and gates	Inspection and reporting of defects to Council Lubrication of hardware Maintain key register	Repair and replacement
Nature strips and grassed areas	Mowing, regular re-seeding and weed maintenance	Returfing, fertilising, selective herbicide spraying
Sports fields and playing surfaces - watering	Report any concerns or issues with irrigation system to Council	Selection of watering schedules/ amounts/ maintenance or irrigation system including repair works
Sports fields and playing surfaces -	Minor maintenance, inspection and reporting of defects, Whipper snipping of grass around fence line and goal posts. Removal of rubbish and debris.	General maintenance of surface including mowing, herbicide spraying, scarifying, top dressing and fertilising where required. All major repairs
Sports fields and playing surfaces – other	Inspection and reporting of defects to Council	Construction, repair and replacement, annual seasonal renovation (cricket pitch only)
Garden beds and shrubs	Watering, fertilising, maintenance, replanting and keeping tidy	Construction and refurbishment
Trees	Inspection and reporting of defects to Council Feeding and watering	Planting and all pruning, inspection of potential tree removal and removals if necessary
outdoor furniture	Inspection and reporting of defects to Council Cleaning	Repair and replacement
Internal roadways and car parks	Inspection and reporting of defects to Council Maintain free of obstructions	Construction, repair and resurfacing, signage
facility perimeter signage	Inspection and reporting of defects to Council	Installation, repair and replacement
Light towers	Monitoring usage for cost recovery (per Council's Schedule of Fees and Charges)	Total responsibility for purchase, installation, utility costs, repairs and maintenance
Australian rules football goal posts and nets	Inspection and reporting of defects to Council	Repair and replacement
Other Nets and goal posts	Total responsibility	No responsibility
Sports surface line marking	Complete as required	Assist Committee upon request
Fire prevention works	Remove all flammable materials from around buildings	Audit according to regulations
Hazardous substances and dangerous goods storage	Responsible for storing to relevant Work Health and Safety Standards	Audit according to regulations

8. STRUCTURE AND MEMBERSHIP

- 8.1. The minimum membership for a committee to remain viable is four (4) members, however the Committee shall ideally consist of twelve (12) members to be appointed by resolution of the Council, such members to be nominated in the following manner:
- At least one (1) Councillor representative
 - Allowance for at least one (1) representative per user group
 - Reasonable number of community representatives reflecting the size and operations of the facility (to be approved by Council).
- 8.2. Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.
- 8.3. Council reserves the right to amend the number of Committee members and category of representation.

9. TERM OF APPOINTMENT

- 9.1. The term of a committee is the same term as the elected Council.

10. PRINCIPAL SPOKESPERSON

- 10.1. The principal spokesperson for the Committee shall be the Chairperson.
- 10.2. The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and / or appropriate.

11. MEETINGS

- 11.1. There should be a minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.
- 11.2. There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

12. REPORTING REQUIREMENTS

- 12.1. Annual Report - Committees are to provide Council with an Annual Report inclusive of financial statements by the third (3rd) week in August each year.
- 12.2. Finance Reports - Committees are to provide Council with financial statements by third (3rd) week in August each year.

Financial Statements are to include the following information:

- Profit and Loss Statement
 - Balance Sheet
 - Supporting documentation as per clause 10.11 of the Section 355 Asset Committee Manual
- 12.3. Quarterly GST Reporting - Quarterly GST Reporting is to include the following information:
- A Profit and Loss Statement
 - A Balance Sheet
 - Completed Business Activity Statement (BAS)

- 12.4. Term Report - A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August.

13. RECORDS

- 13.1. The Committee is required to keep all proper records.
- 13.2. Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

14. FRAMEWORK

- 14.1. The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 993* (Delegations), and the Model Code of Conduct for all Councils in NSW.
- 14.2. The Committee will comply with all provisions of Council's Section 355 Asset Committee Framework.

15. REVIEW

- 15.1. Review of all Section 355 Committees, their structures, Framework and Constitutions will be conducted by Council following each Local Government General Election, or by Council resolution, at the request of the Committee or at the discretion of the General Manager.

16. DEFINITIONS

"Council" shall mean Broken Hill City Council.

"Committee" shall mean the Memorial Oval Community Committee.

"Executive" shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

"Oval" shall mean the Memorial Oval.

"User Group" shall mean organisations which are granted use of any portion of the facility on a license, annual, seasonal or longer-term basis.

DRAFT CONSTITUTION OF THE NORM FOX SPORTING COMPLEX COMMUNITY COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D12/14742 – 12/53	
RESPONSIBLE POSITION	Director Corporate and Community	
APPROVED BY	Council	
REVIEW DATE	October 2024	REVISION NUMBER 9
EFFECTIVE DATE	ACTION	MINUTE NUMBER
27 June 1984	Adopted	29794
29 November 2006	Amended	42070
31 January 2007	Amended	42126
28 April 2010	Amended	42326
25 January 2012	Amended	43138
31 July 2013	Amended	44407
29 March 2017	Adopted	45508
30 March 2022	Adopted	46795

1. INTRODUCTION

1.1. The Norm Fox Sporting Complex Community Committee is a Section 355 Asset Committee established by Council under Section 355 of the *Local Government Act*.

2. COMMITTEE OBJECTIVE

2.1. To undertake an advisory role in respect of the care, maintenance, repair, beautification, improvement and management of the Complex; the Committee shall liaise with Council through a Contact Officer or current Councillor representative/s on the Committee, in respect of proposed projects.

2.2. To carry out works as approved by Council.

2.3. To maintain a record of bookings of the Complex and its facilities in the Outlook Calendar associated with the Committee's Council identified email address - normfox@brokenhill.nsw.gov.au.

- 2.4. To provide access to the Complex and its facilities for use by citizens of and visitors to Broken Hill without distinction.
- 2.5. To allow any regular user of the Complex to erect structures under such conditions as the Committee shall see fit, provided that no such agreement shall be concluded without the approval in writing of the Council; to ensure any necessary approvals are sought and so that Council's insurers are aware of the event activity.
- 2.6. To ensure a copy of current rules of use of the Complex and its facilities and the current schedule of fees and charges are exhibited in an appropriate public place at the sportsground.
- 2.7. To recommend to Council the making of rules or setting of any fees and charges, none of which to be implemented without formal approval by Council.

3. COMMITTEE NAME

- 3.1. The Committee shall be called the Norm Fox Sporting Complex Community Committee.

4. COMMITTEE ASSET LOCATION AND ADDRESS

- 4.1. The Committee shall manage and maintain the Norm Fox Oval, situated at 457 Wolfram Street.
- 4.2. The postal address of the Committee will be c/- PO Box 448, Broken Hill NSW 2880, unless otherwise advised.



5. COMMITTEE DELEGATION

Committees are responsible for the tasks delegated by Council which may include letting, cleaning, maintenance, minor repairs and operations.

- 5.1. To oversee and conduct the necessary duties of watering, weeding and lawn edging, sundry repairs and maintenance to watering systems and fixtures.
- 5.2. To present the Complex at a standard of appearance that is satisfactory to the community.
- 5.3. To provide a satisfactory service to users of the Complex and to advise Council promptly of safety and maintenance concerns.
- 5.4. To request Council assistance in removal of dead trees and any other task that requires the use of high-risk power tools such as chainsaws.
- 5.5. To recommend to Council an annual works maintenance program and any special projects proposed by the Committee.
- 5.6. To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance at nil cost and without voting rights.
- 5.7. To recommend to Council any fees and charges for use of the Complex, each financial year for Council's consideration.
- 5.8. To accept all bookings for use of the Complex and keep all necessary records in respect of same.
- 5.9. To ensure that all Committee members abide by all of Council's Work, Health and Safety requirements, that all designated personal protective equipment (e.g., gloves, safety glasses) required by Council are used; and to ensure that safety procedures for use of the Sportsground are monitored.
- 5.10. To bring to Council's attention by way of recommendation through the Council or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

6. RESTRICTION OF DELEGATION

The Committee may not make decisions concerning the following:

- 6.1. The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by Council Insurance where they are registered with the Committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.
- 6.2. Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control).
- 6.3. Borrowing any monies.
- 6.4. The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended).
- 6.5. Formation of submissions to government policies or implementation of policies without the prior written consent of Council.

- 6.6. The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting.
- 6.7. The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work).
- 6.8. Committee Membership is a voluntary position. Any honorariums for services such as groundskeeping, cleaning etc are to be recommended by the Committee and are subject to the approval of Council through the meeting minutes. Reimbursement of out of pocket expenses for telephone and postage, relating to bookings of the facility are permitted on presentation of detailed receipts, all expenses are to be recorded appropriately.
- 6.9. Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available.
- 6.10. Vote on monies for expenditure on the works, services or operations of Council.
- 6.11. The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.
- 6.12. If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

7. COMMITTEE VS COUNCIL RESPONSIBILITY

ITEM	COMMITTEE	COUNCIL
EXTERNAL		
Walls – structure and cladding	Inspection and reporting of defects to Council Minor repairs	
Walls – finishing	Cleaning, removal of graffiti and paint touch ups	Painting and resurfacing
Water supply and fittings – taps and valves	Maintenance and lubrication Inspection and reporting of defects to Council Replacement of washers	Repair and replacement
Water supply and fittings – pipe works	Inspection and reporting of defects to Council Securing off in emergency	Repair and replacement
Plumbing – sewerage lines and septic	Inspection and reporting of defects to Council Emergency unblocking or make safe repairs	Repair and replacement
Guttering, down pipes, waste pipes and drains	Inspection and reporting of defects to Council Clear foreign objects, blockages, mud etc.	Repair and replacement
External roofs, guttering and flashing	No responsibility	Repair and replacement

Skylights	No responsibility	All maintenance and repair as required
Light globes and fittings	Replacements of globes no higher than two metres above head height	Replacement of any street lighting or light fittings Replacement of globes two meters above head height
Doors, including door hardware	Immediate securing where damaged	Repair and replacement
Windows – frames and locks	Inspection and reporting of defects to Council Lubrication of hardware	Repair and replacement
Windows – glazing	All regular cleaning and maintenance Immediate securing if broken	Repair and replacement
Locks and security systems	Maintain key register Replace keys and locks not on Council Key Register Immediate securing of building if damaged Minor lubrication of locks Engage security service if required	Purchase, installation, service and maintenance where compatible with Council's Key Register
INTERNAL		
Internal walls and ceilings – fabric	Inspection and reporting of defects to Council	Repair and replacement
Internal walls – painting	Cleaning	Painting and resurfacing
Ceilings – structure	Inspection and reporting of defects to Council	Repair and replacement
Ceilings – surfacing	Inspection and reporting of defects to Council	Repair and replacement
Floor structure	Inspection and reporting of defects to Council	Repair and replacement
Floor surfaces and coverings	All regular cleaning and maintenance	Repair and replacement
Doors (including cupboards, doors and door fittings)	Regular cleaning Lubrication of hardware	Repair and replacement
Windows – curtains and blinds	Regular cleaning and minor repair	Replacement
Internal electrical wiring and fittings	Make safe immediately	Repair and replacement
Light globes	Replacement of globes	Replacement of globes where Committee risk assessment unable to manage risk
Light fittings	Inspection and reporting of defects to Council	Repair and replacement
Water supply and fittings	Maintenance and lubrication Inspection and reporting of defects to Council Replacement of washers	Repair and replacement
Internal plumbing – pipes, cisterns, toilet bowls. Hand basins, sinks	Minimise any leakage and further damage	Repair and replacement

Heating, air-conditioning fixtures, hot water systems, appliance	Payment of all gas, water and electricity bills, and inspection and reporting of defects and services to Council	Repair and replacement
Consumables to kitchens, toilets and bathrooms	Supply and replenish	No responsibility
Sanitary disposal	Supply and maintain	No responsibility
Cleaning – including all amenities	Full responsibility	No responsibility
ESSENTIAL SERVICES		
Testings and tagging of electrical cords	Regular visual inspections. Remove damaged items from service. Arrange testing and tagging of electrical cords by a Licensed Electrician (or competent person) every two years or at Council's direction	Pay for all testing and tagging. Audit of currency of tags as part of regular inspections
Emergency lighting / exit signs	Inspection and reporting of defects to Council	Six monthly testing Repair and replacement
Evacuation plan	Display prominently	Prepare in consultation with Committee
Paths of travel	Inspect and maintain clear paths of travel at all times Check all door handles on paths of travel	Audit according to regulations
All other Essential Safety Measures	Monitor and report to Council to Council	Act as required
First Aid Kits	Maintain and replenish	Initial Supply
SURROUNDS		
Paths and paved areas	Inspection and reporting of defects to Council Weed Maintenance	Repair and replacement
Fencing and gates	Inspection and reporting of defects to Council Lubrication of hardware Maintain key register	Repair and replacement
Nature strips and grassed areas	Mowing, regular re-seeding and weed maintenance	Returfing, fertilising, selective herbicide spraying
Sports fields and playing surfaces - watering	Report any concerns or issues with irrigation system	Selection of watering schedules/ amounts/ maintenance or irrigation system including repair works
Sports fields and playing surfaces -	Minor maintenance, inspection and reporting of defects, Whipper snipping of grass around fence line and goal posts. Removal of rubbish and debris.	General maintenance of surface including mowing, herbicide spraying, scarifying, top dressing and fertilising where required. All major repairs
Sports fields and playing surfaces – other	Inspection and reporting of defects to Council	Construction, repair and replacement, annual seasonal renovation (cricket pitch only)

Garden beds and shrubs	Watering, fertilising, maintenance, replanting and keeping tidy	Construction and refurbishment
Trees	Inspection and reporting of defects to Council Feeding and watering	Planting and all pruning, inspection of potential tree removal and removals if necessary
outdoor furniture	Inspection and reporting of defects to Council Cleaning	Repair and replacement
Internal roadways and car parks	Inspection and reporting of defects to Council Maintain free of obstructions	Construction, repair and resurfacing, signage
facility perimeter signage	Inspection and reporting of defects to Council	Installation, repair and replacement
Light towers	Monitoring usage for cost recovery (per Council's Schedule of Fees and Charges)	Total responsibility for purchase, installation, utility costs, repairs and maintenance
Australian rules football goal posts and nets	Inspection and reporting of defects to Council	Repair and replacement
Other Nets and goal posts	Total responsibility	No responsibility
Sports surface line marking	Complete as required	Assist Committee upon request
Fire prevention works	Remove all flammable materials from around buildings	Audit according to regulations
Hazardous substances and dangerous goods storage	Responsible for storing to relevant Work Health and Safety Standards	Audit according to regulations

8. STRUCTURE AND MEMBERSHIP

8.1. The minimum membership required for a committee to remain viable is four (4) members, however the Committee shall ideally consist of ten (10) members to be appointed by resolution of the Council, such members to be nominated in the following manner:

- At least one (1) Councillor Representative
- Allowance for at least one (1) representative per user group
- Reasonable number of community representatives reflecting the size and operations of the facility (to be approved by Council).

8.2. Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.

8.3. Council reserves the right to amend the number of Committee members and category of representation.

9. TERM OF APPOINTMENT

9.1. The term of a committee is the same term as the elected Council.

10. PRINCIPAL SPOKESPERSON

10.1. The principal spokesperson for the Committee shall be the Chairperson.

- 10.2. The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and / or appropriate.

11. MEETINGS

- 11.1. There should be minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committee occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.
- 11.2. There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

12. REPORTING REQUIREMENTS

- 12.1. Annual Report - Committees are to provide Council with an Annual Report inclusive of financial statements by the third (3rd) week in August each year.
- 12.2. Finance Reports - Committees are to provide Council with financial statements by third (3rd) week in August each year.

Financial Statements are to include the following information:

- Profit and Loss Statement
 - Balance Sheet
 - Supporting documentation as per clause 10.11 of the Section 355 Asset Committee Manual
- 12.3. Quarterly GST Reporting - Quarterly GST Reporting is to include the following information:
- A Profit and Loss Statement
 - A Balance Sheet
 - Completed Business Activity Statement (BAS)
- 12.4. Term Report - A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August.

13. RECORDS

- 13.1. The Committee is required to keep all proper records.
- 13.2. Minutes of each meeting shall be submitted to the Council within fourteen (14) days of the meeting.

14. FRAMEWORK

- 14.1. The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 1993* (Delegations), and the Model Code of Conduct for all Councils in NSW.
- 14.2. The Committee will comply with all provisions of Council's Section 355 Asset Committee Framework.

15. REVIEW

- 15.1. Review of all Section 355 Committees, their structures, Framework and Constitutions will be conducted by Council following each Local Government General Election, or by Council resolution, at the request of the Committee or at the discretion of the General Manager.

16. DEFINITIONS

“**Council**” shall mean Broken Hill City Council.

“**Committee**” shall mean the Norm Fox Sporting Complex Community Committee.

“**Complex**” shall mean the Norm Fox Sporting Complex.

“**Executive**” shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

“**User Group**” shall mean organisations which are granted use of any portion of the facility on a license, annual, seasonal or longer-term basis.

“**Oval**” shall mean the Norm Fox Oval.

DRAFT CONSTITUTION OF THE PICTON SPORTSGROUND COMMUNITY COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D12/14873 – 12/54	
RESPONSIBLE POSITION	Director Corporate and Community	
APPROVED BY	Council	
REVIEW DATE	October 2024	REVISION NUMBER 6
EFFECTIVE DATE	ACTION	MINUTE NUMBER
29 November 2006	Adopted	42070
31 January 2007	Amended	42126
31 July 2013	Amended	44407
29 March 2017	Adopted	45508
30 March 2022	Adopted	46795

1. INTRODUCTION

- 1.1 The Picton Sportsground Community Committee is a Section 355 Asset Committee established by Council under Section 355 of the *Local Government Act*.

2. COMMITTEE OBJECTIVE

- 2.1 To undertake an advisory role in respect of the care, maintenance, repair, beautification, improvement and management of the Sportsground; the Committee shall liaise with Council through a Contact Officer or current Councillor Representative/s on the Committee, in respect of proposed projects.
- 2.2 To carry out works as approved by Council.
- 2.3 To maintain a record of bookings of the Sportsground and its facilities in the Outlook Calendar associated with the Committee's Council identified email address - pictonoval@brokenhill.nsw.gov.au.
- 2.4 To provide access to the Sportsground and its facilities for use by citizens of and visitors to Broken Hill without distinction.

- 2.5 To allow any regular user of the Sportsground to erect structures under such conditions as the Committee shall see fit, provided that no such agreement shall be concluded without the approval in writing of the Council; to ensure any necessary approvals are sought and so that Council's insurers are aware of the event activity.
- 2.6 To ensure a copy of current rules of use of the Sportsground and its facilities and the current schedule of fees and charges are exhibited in an appropriate public place at the sportsground.
- 2.7 To recommend to Council the making of rules or setting of any fees and charges, none of which to be implemented without formal approval by Council.

3. COMMITTEE NAME

- 3.1 The Committee shall be called the Picton Sportsground Community Committee.

4. COMMITTEE ASSET LOCATION AND ADDRESS

- 4.1 The Committee shall manage and maintain the Picton Oval, situated at 347 Kaolin Street.
- 4.2 The postal address of the Committee will be c/- PO Box 448, Broken Hill NSW 2880, unless otherwise advised.



5. COMMITTEE DELEGATION

Committees are responsible for the tasks delegated by Council which may include letting, cleaning, maintenance, minor repairs and operations.

- 5.1 To oversee and conduct the necessary duties of watering, weeding and lawn edging, sundry repairs and maintenance to watering systems and fixtures.
- 5.2 To present the Sportsground at a standard of appearance that is satisfactory to the community.

- 5.3 To provide a satisfactory service to users of the Sportsground and to advise Council promptly of safety and maintenance concerns.
- 5.4 To request Council assistance in removal of dead trees and any other task that requires the use of high-risk power tools such as chainsaws.
- 5.5 To recommend to Council an annual works maintenance program and any special projects proposed by the Committee.
- 5.6 To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance at nil cost and without voting rights.
- 5.7 To recommend to Council any fees and charges for use of the Sportsground, each financial year for Council's consideration.
- 5.8 To accept all bookings for use of the Sportsground and keep all necessary records in respect of same.
- 5.9 To ensure that all Committee members abide by all of Council's Work, Health and Safety requirements, that all designated personal protective equipment (e.g., gloves, safety glasses) required by Council are used; and to ensure that safety procedures for use of the Sportsground are monitored.
- 5.10 To bring to Council's attention by way of recommendation through the Council or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

6. RESTRICTION OF DELEGATION

The Committee may not make decisions concerning the following:

- 6.1 The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by Council Insurance where they are registered with the Committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.
- 6.2 Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control).
- 6.3 Borrowing any monies.
- 6.4 The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended).
- 6.5 Formation of submissions to government policies or implementation of policies without the prior written consent of Council.
- 6.6 The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting.
- 6.7 The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work).
- 6.8 Committee Membership is a voluntary position. Any honorariums for services such as groundskeeping, cleaning etc are to be recommended by the Committee and are subject to the approval of Council through the meeting minutes. Reimbursement of out of pocket

expenses for telephone and postage, relating to bookings of the facility are permitted on presentation of detailed receipts, all expenses are to be recorded appropriately.

- 6.9 Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available.
- 6.10 Vote on monies for expenditure on the works, services or operations of Council.
- 6.11 The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.
- 6.12 If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

7. COMMITTEE VS COUNCIL RESPONSIBILITY

ITEM	COMMITTEE	COUNCIL
EXTERNAL		
Walls – structure and cladding	Inspection and reporting of defects to Council Minor repairs	Major repairs and replacement
Walls – finishing	Cleaning, removal of graffiti and paint touch ups	Painting and resurfacing
Water supply and fittings – taps and valves	Maintenance and lubrication Inspection and reporting of defects to Council Replacement of washers	Repair and replacement
Water supply and fittings – pipe works	Inspection and reporting of defects to Council Securing off in emergency	Repair and replacement
Plumbing – sewerage lines and septic	Inspection and reporting of defects to Council Emergency unblocking or make safe repairs	Repair and replacement
Guttering, down pipes, waste pipes and drains	Inspection and reporting of defects to Council Clear foreign objects, blockages, mud etc.	Repair and replacement
External roofs, guttering and flashing	No responsibility	Repair and replacement
Skylights	No responsibility	All maintenance and repair as required
Light globes and fittings	Replacements of globes no higher than two metres above head height	Replacement of any street lighting or light fittings Replacement of globes two meters above head height
Doors, including door hardware	Immediate securing where damaged	Repair and replacement
Windows – frames and locks	Inspection and reporting of defects to Council Lubrication of hardware	Repair and replacement

Windows – glazing	All regular cleaning and maintenance Immediate securing if broken	Repair and replacement
Locks and security systems	Maintain key register Replace keys and locks not on Council Key Register Immediate securing of building if damaged Minor lubrication of locks Engage security service if required	Purchase, installation, service and maintenance where compatible with Council's Key Register
INTERNAL		
Internal walls and ceilings – fabric	Inspection and reporting of defects to Council	Repair and replacement
Internal walls – painting	Cleaning	Painting and resurfacing
Ceilings – structure	Inspection and reporting of defects to Council	Repair and replacement
Ceilings – surfacing	Inspection and reporting of defects to Council	Repair and replacement
Floor structure	Inspection and reporting of defects to Council	Repair and replacement
Floor surfaces and coverings	All regular cleaning and maintenance	Repair and replacement
Doors (including cupboards, doors and door fittings)	Regular cleaning Lubrication of hardware	Repair and replacement
Windows – curtains and blinds	Regular cleaning and minor repair	Replacement
Internal electrical wiring and fittings	Make safe immediately	Repair and replacement
Light globes	Replacement of globes	Replacement of globes where Committee risk assessment unable to manage risk
Light fittings	Inspection and reporting of defects to Council	Repair and replacement
Water supply and fittings	Maintenance and lubrication Inspection and reporting of defects to Council Replacement of washers	Repair and replacement
Internal plumbing – pipes, cisterns, toilet bowls. Hand basins, sinks	Minimise any leakage and further damage	Repair and replacement
Heating, air-conditioning fixtures, hot water systems, appliance	Payment of all gas, water and electricity bills, and inspection and reporting of defects and services	Repair and replacement
Consumables to kitchens, toilets and bathrooms	Supply and replenish	No responsibility
Sanitary disposal	Supply and maintain	No responsibility

Cleaning – including all amenities	Full responsibility	No responsibility
ESSENTIAL SERVICES		
Testings and tagging of electrical cords	Regular visual inspections. Remove damaged items from service. Arrange testing and tagging of electrical cords by a Licensed Electrician (or competent person) every two years or at Council's direction	Pay for all testing and tagging. Audit of currency of tags as part of regular inspections
Emergency lighting / exit signs	Inspection and reporting of defects to Council	Six monthly testing Repair and replacement
Evacuation plan	Display prominently	Prepare in consultation with Committee
Paths of travel	Inspect and maintain clear paths of travel at all times Check all door handles on paths of travel	Audit according to regulations
All other Essential Safety Measures	Monitor and report to Council	Act as required
First Aid Kits	Maintain and replenish	Initial Supply
SURROUNDS		
Paths and paved areas	Inspection and reporting of defects to Council Weed maintenance	Repair and replacement
Fencing and gates	Inspection and reporting of defects to Council Lubrication of hardware Maintain key register	Repair and replacement
Nature strips and grassed areas	Mowing, regular re-seeding and weed maintenance	Returfing, fertilising, selective herbicide spraying
Sports fields and playing surfaces - watering	Report any concerns or issues with irrigation system	Selection of watering schedules/ amounts/ maintenance or irrigation system including repair works
Sports fields and playing surfaces -	Minor maintenance, inspection and reporting of defects, Whipper snipping of grass around fence line and goal posts. Removal of rubbish and debris.	General maintenance of surface including mowing, herbicide spraying, scarifying, top dressing and fertilising where required. All major repairs
Sports fields and playing surfaces – other	Inspection and reporting of defects to Council	Construction, repair and replacement, annual seasonal renovation (cricket pitch only)
Garden beds and shrubs	Watering, fertilising, maintenance, replanting and keeping tidy	Construction and refurbishment
Trees	Inspection and reporting of defects to Council Feeding and watering	Planting and all pruning, inspection of potential tree removal and removals if necessary
outdoor furniture	Inspection and reporting of defects to Council Cleaning	Repair and replacement

Internal roadways and car parks	Inspection and reporting of defects to Council Maintain free of obstructions	Construction, repair and resurfacing, signage
facility perimeter signage	Inspection and reporting of defects to Council	Installation, repair and replacement
Light towers	Monitoring usage for cost recovery (per Council's Schedule of Fees and Charges)	Total responsibility for purchase, installation, utility costs, repairs and maintenance
Australian rules football goal posts and nets	Inspection and reporting of defects to Council	Repair and replacement
Other Nets and goal posts	Total responsibility	No responsibility
Sports surface line marking	Complete as required	Assist Committee upon request
Fire prevention works	Remove all flammable materials from around buildings	Audit according to regulations
Hazardous substances and dangerous goods storage	Responsible for storing to relevant Work Health and Safety Standards	Audit according to regulations

8. STRUCTURE AND MEMBERSHIP

8.1 The minimum membership required for a committee to remain viable is four (4) members, however the Committee shall ideally consist of eleven (11) members to be appointed by resolution of the Council, such members to be nominated in the following manner:

- At least one (1) Councillor representative
- Allowance for at least one (1) representative per user group
- Reasonable number of community representatives reflecting the size and operations of the facility (to be approved by Council).

8.2 Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.

8.3 Council reserves the right to amend the number of Committee members and category of representation.

9. TERM OF APPOINTMENT

9.1 The term of a committee is the same term as the elected Council.

10. PRINCIPAL SPOKESPERSON

10.1 The principal spokesperson for the Committee shall be the Chairperson.

10.2 The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and/or appropriate.

11. MEETINGS

- 11.1 There should be a minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.
- 11.2 There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

12. REPORTING REQUIREMENTS

- 12.1 Annual Report - Committees are to provide Council with an Annual Report inclusive of financial statements by the third (3rd) week in August each year.
- 12.2 Finance Reports - Committees are to provide Council with financial statements by third (3rd) week in August each year.

Financial Statements are to include the following information:

- Profit and Loss Statement
 - Balance Sheet
 - Supporting documentation as per clause 10.11 of the Section 355 Asset Committee Manual
- 12.3 Quarterly GST Reporting - Quarterly GST Reporting is to include the following information:
- A Profit and Loss Statement
 - A Balance Sheet
 - Completed Business Activity Statement (BAS)
- 12.4 Term Report - A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August.

13. RECORDS

- 13.1 The Committee is required to keep all proper records.
- 13.2 Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

14. FRAMEWORK

- 14.1 The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 1993* (Delegations), and the Model Code of Conduct for all Councils in NSW.
- 14.2 The Committee will comply with all provisions of Council's Section 355 Asset Committee Framework.

15. REVIEW

- 15.1 Review of all Section 355 Committees, their structures, Framework and Constitutions will be conducted by Council following each Local Government General Election, or by Council resolution, at the request of the Committee or at the discretion of the General Manager.

16. DEFINITIONS

“**Council**” shall mean Broken Hill City Council.

“**Committee**” shall mean the Picton Sportsground Community Committee.

“**Executive**” shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

“**User Group**” shall mean organisations which are granted use of any portion of the facility on a license, annual, seasonal or longer-term basis.

“**Oval**” shall mean the Picton Oval.

“**Sportsground**” shall mean the Picton Oval complex.

DRAFT SECTION 355 YOUTH ADVISORY COMMITTEE TERMS OF REFERENCE

QUALITY CONTROL		
EDRMS REFERENCES	11/432 – D22/21105	
RESPONSIBLE OFFICER	Director Corporate and Community	
APPROVED BY	Council	
REVIEW DATE	October 2028	
DATE	ACTION	MINUTE NUMBER
23 February 2022	Resolution to establish an Ageing Well Section 355 Committee	46757
27 April 2022	Adopted	46814

1 Introduction

- 1.1 The Youth Advisory Committee is a Section 355 Advisory Committee established by Council under Section 355 of the *Local Government Act 1993*.

2 Committee Name

- 2.1 The Committee shall be called The Youth Advisory Committee.

3 Committee Objective

- 3.1 The Committee will assist Council's operations by providing a strategic focus on the community's young people and advocate for issues affecting the youth population in the City.

4 Committee Delegation

- 4.1 To undertake an advisory role, providing advice and guidance on the youth of Broken Hill and the issues they face.

5 Restriction of Delegation

- 5.1 The Committee cannot approve the expenditure of money, employ staff or make policy on behalf of Council.

- 5.2 The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee.
- 5.3 If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

6 Structure and Membership

- 6.1 The minimum membership required for a committee to remain viable is four (4) members, however the Committee shall ideally consist of fourteen (14) members, appointed by resolution of Council, such members to be nominated in the following manner:
- At least three (3) Councillor Representatives
- 6.2 At least five (5) Community Representatives
- Three (3) of whom are either a person aged between 18-24 years or the parent or carer of a person aged 12-18 years.
 - Two (2) of whom are from the First Nations community who either are a person aged between 18-24 years or the parent or carer of a person aged 12-18 years.
- A representative from each of the following organisations:
 - Headspace
 - NSW Health
 - Maari Ma
 - YMCA
 - PCYC
 - Education (secondary or tertiary)
- 6.3 Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming agenda items.
- 6.4 Council reserves the right to amend the number of Committee members and category of representation.

7 Term of Appointment

- 7.1 The term of the Committee is the same term as the elected Council.

8 Principal Spokesperson

- 8.1 The principal spokesperson for the committee shall be the Chairperson.
- 8.2 The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and/or appropriate.

9 Meetings

- 9.1 There should be a minimum of four (4) meetings held per year, or more frequently if determined by the Committee.
- 9.2 There should be one (1) Annual General Meeting held per year, at which the Committee will appoint its executive.

10 Reporting Requirements

- 10.1 Committees are to provide Council with an Annual Report inclusive of financial statements if applicable, by the third (3rd) week in August each year.
- 10.2 A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August.

11 Records

- 11.1 The Committee is required to keep all proper records.
- 11.2 Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

12 Framework

- 12.1 The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 1993* (Delegations), and Section 441-443 *Local Government Act 1993* (Pecuniary Interest).
- 12.2 The Committee will comply with all provisions of Council's Section 355 Advisory Committee Framework.

13 Review

- 13.1 Review of all Section 355 Committees, their structures, and Framework including Constitutions or Terms of Reference will be conducted annually in September following presentation of the Committees Annual Reports and Financial Statements.
- 13.2 Constitutions and Terms of Reference will be reviewed by Council following each Local Government General Election (4 yearly), by Council resolution, at the request of the Committee or at the discretion of the General Manager.

14 Definitions:

“**Council**” shall mean Broken Hill City Council.

“**Committee**” shall mean the Youth Committee

“**Executive**” shall mean the Chairperson, Deputy Chairperson and Secretary of the Committee.

“**Youth**” is defined and accepted as a person aged between 12-24 years.

ORDINARY MEETING OF THE COUNCIL

October 16, 2024

ITEM 13BROKEN HILL CITY COUNCIL REPORT NO. 160/24

SUBJECT: EXHIBITION OF DRAFT VOLUNTARY PLANNING AGREEMENT
WITH A-CAES AUSTRALIA NSW PTY LTD D24/50244

Recommendation

1. That Broken Hill City Council Report No. 160/24 dated October 16, 2024, be received.
2. That the attached draft Voluntary Planning Agreement (VPA) with A-CAES NSW Pty Ltd be publicly exhibited for a period of not less than 28 days.
3. That following the exhibition period a further report be provided to Council, outlining any of the submissions received with the view to either amend or adopt the VPA.

Executive Summary:

A draft Voluntary Planning Agreement (VPA) has been negotiated between Council and A-CAES Australia NSW Pty Ltd, as the proposed Silver City Energy Storage System is to be located within the Broken Hill Local Government Area. The project is State significant development and is currently under assessment by the NSW Department of Planning, Housing and Infrastructure.

Should the project be approved, the current draft agreement provides monetary contributions to Council to the total of \$3.1 million. These contributions are to be used for projects that will have material public benefit including a Community Energy Project, a Heritage Restoration Project, and the installation of a new Telecommunication Tower for the North of Broken Hill.

It is proposed that the attached draft VPA and associated documents be publicly exhibited for a period of no less than 28 days, as per the requirements of the *Environmental Planning & Assessment Act 1979* and Council's Voluntary Planning Agreement Policy.

Report:

A-CAES Australia NSW Pty Ltd (the Developer) have made a State significant development application for the proposed Silver City Energy Storage System. The State Significant development application is currently under assessment by the NSW Department of Planning, Housing and Infrastructure (the Department). As the project is located within the Broken Hill Local Government Area, a draft Voluntary Planning Agreement (VPA) is able to be negotiated between Council and the Developer.

A Planning Agreement is a voluntary agreement under Section 7.4 of the *Environmental Planning and Assessment Act 1979*, where in this case the Developer and Council enter into an agreement where the Developer provides monetary contributions to Council, for projects that will have a material public benefit.

Council’s solicitors have prepared the draft planning agreement as part of negotiations with the Developer, and the Developer has made a formal offer. The contributions are to be used for the following:

- a. A Community Energy Project;
- b. A Heritage Restoration Project, involving the purchase or restoration of a heritage building within the Broken Hill City Council Local Government Area for Council or community use; and
- c. The installation of a new Telecommunication Tower for the North of Broken Hill,

The complete draft agreement, along with the associated schedule of contributions and explanatory note for public exhibition, can be found attached to this report.

The effect of the agreement is that, if the project is granted development consent, the Developer will be required to make two monetary contributions to the Council to a total of \$3.1 million (subject to CPI adjustment). The first contribution of \$1.6 million is required to be made within 2 years of the Project Commencement Date operation, (being the date when the Project has commenced operation, that is, it is capable of providing input to the electricity grid). The remainder of the contribution amount is to be paid to Council within 5 years of the Project Commencement Date.

The proposed planning agreement has been negotiated in accordance with Council’s Voluntary Planning Agreement Policy, and the requirements of the *Environmental Planning & Assessment Act 1979*. As per the Act, the draft planning agreement (as attached to this report) is required to be publicly exhibited for a period of no less than 28 days. Following this period, a further report will be presented to Council outlining any submissions received.

Community Engagement:

The Draft Voluntary Planning Agreement is to be publicly exhibited for a period of not less than 28 days. Following this period, a further report will be presented to Council outlining any submissions received.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

Environmental Planning & Assessment Act 1979

Financial Implications:

Should the project be granted development consent, the Developer will be required to make two monetary contributions to Council to a total of \$3.1 million (subject to CPI adjustment).

Attachments

- 1. [↓](#) Draft Voluntary Planning Agreement
- 2. [↓](#) Draft Voluntary Planning Agreement - Schedule 2: Contributions
- 3. [↓](#) Draft Voluntary Planning Agreement - Explanatory Note

JAY NANKIVELL
GENERAL MANAGER

DATED: 2024

**A-CAES NSW PTY LTD
ACN 644 102 858
(A-CAES)**

and

**Broken Hill City Council
ABN 52 631 074 450
(Council)**

PLANNING AGREEMENT



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Our Ref: 232362

#0v0<offline> - VPA - BH City Council _ ACAES (final - tracked) 25092024

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PLANNING AGREEMENT

DATE: 2024

PARTIES: **A-CAES NSW Pty Ltd ACN 644 102 858** of Suite 8.02, Level 8, 420 St. Kilda Road, Melbourne, Victoria, Australia (**A-CAES**)

Broken Hill City Council ABN 84 873 116 132 of 240 Blende Street, Broken Hill, New South Wales, Australia (**Council**)

RECITALS

- A. A-CAES has lodged the Project DA seeking consent for the Silver City Advanced Compressed Air Energy Storage Project at Potosi Mine in Broken Hill involving the storage of compressed air, generation of electricity from that compressed air and transmission of that electricity to an existing TransGrid substation.
- B. A-CAES has offered to pay monetary contributions to the Council in connection with the Project DA and the Project Consent on the terms of this Deed.
- C. The Council agrees to hold and expend the funds offered by A-CAES in accordance with this Deed.

IT IS AGREED as follows:

1. DEFINITIONS & INTERPRETATION

1.1 Specific Definitions

In this Deed unless the context requires otherwise:

- (a) **Annual Report** means the report prepared under s.428 of the LG Act.
- (b) **Broken Hill City Council LGA** means the area declared by proclamation dated 24 September 1888 according to the *Municipalities Act of 1867* (NSW).
- (c) **Broken Hill City Council Renewable Energy Action Plan** means the plan prepared by Constructive Energy Pty Ltd dated October 2020, as adopted by the Council on 24 February 2021 and as varied or replaced from time to time.
- (d) **Business Day** means a day on which trading banks are open for ordinary business in New South Wales.
- (e) **Business Hours** means between 9.00am and 5.00pm Australian Central Daylight Time on a Business Day.
- (f) **Costs** includes costs, charges and expenses, including those incurred in connection with advisers.
- (g) **Contribution** means the payment of funds by A-CAES up to a total maximum amount of \$3,100,000 (ex GST) to Council towards the Community Energy Project, the Heritage Restoration Project and/or the Telecommunications Project in accordance with this Deed.
- (h) **Community Energy Project** means the Council's proposed renewable energy project outlined in part 1 of Schedule 2.

-
- (i) **CPI** the All Groups Consumer Price Index for Sydney or equivalent index published from time to time by the Australian Bureau of Statistics.
- (j) **Deed** means the agreement between the parties constituted by this Deed and “this Deed” shall have a corresponding meaning and shall include all schedules, appendices, exhibits and annexures to this Deed.
- (k) **EPA Act** means the *Environmental Planning and Assessment Act 1979* (NSW), as amended from time to time.
- (l) **EPA Regulation** means the *Environmental Planning and Assessment Regulation 2021* (NSW), as amended from time to time.
- (m) **Guidelines on Community Benefit Sharing** means the [Draft Benefit Sharing Guideline](#) dated November 2023 that the New South Wales Department of Planning and Environment is developing and finalising as part of its proposed energy policy framework.
- (n) **Heritage Reference Panel** means the group established and given the functions as outlined in Schedule 2.
- (o) **Heritage Restoration Project** means the purchase or restoration of a heritage building within the Broken Hill City Council LGA for Council or community use as outlined in part 2 of Schedule 2.
- (p) **LG Act** means the *Local Government Act 1993* (NSW), as amended from time to time.
- (q) **LGA** means local government area.
- (r) **Operational Plan** means a plan prepared under s.405 of the LG Act.
- (s) **Principles of Community Benefit Sharing** means the principles identified in Figure 2 of the Guidelines on Community Benefit Sharing to be applied to the consideration of benefit sharing, including the consideration of the proposed design, establishment and management of specific community benefit sharing initiatives to enhance social and economic outcomes for local communities.
- (t) **Project** means the construction and operation of the Silver City Advanced Compressed Air Energy Storage (A-CAES) facility at Potosi Mine in Broken Hill.
- (u) **Project Consent** means the development consent (if any) granted by the relevant consent authority under the EPA Act to the Project DA, as modified from time to time.
- (v) **Project Commencement Date** means the date when Project has commenced operation, that is, is capable of providing input to the electricity grid.
- (w) **Project DA** means application number SSD-47065463 for the development of a 200 MW / 1600 MWh A-CAES facility with associated infrastructure, including transmission.
- (x) **Sustainability Strategy** means the Broken Hill City Council Sustainability Strategy 2018 – 2023 adopted by the Council on 26 June 2019 and as varied or replaced from time to time.

- (y) **Telecommunications Project** means the installation of a new telecommunication tower for the North of Broken Hill as outlined in part 3 of Schedule 2.

1.2 Interpretation

In the interpretation of this Deed, unless the contrary intention appears:

- (a) A reference to:
- (i) one gender includes the others;
 - (ii) the singular includes the plural and the plural includes the singular;
 - (iii) an individual or person includes a corporation;
 - (iv) a party includes the party's executors, administrators, successors and assigns;
 - (v) a statute, regulation, proclamation, ordinance or by-law includes all statutes, regulations, proclamations, ordinances or by-laws amending, consolidating or replacing it, and a reference to a statute includes all regulations, proclamations, ordinances and by-laws issued under that statute;
 - (vi) a recital, clause, paragraph, schedule or annexure is a reference to a recital, clause, paragraph, schedule or annexure of or to this Deed;
- (b) any schedule, attachment or other document referred to in or delivered with this Deed forms part of this Deed;
- (c) no provision of this Deed will be construed adversely to a party solely on the ground that the party was responsible for the preparation of this Deed or that provision;
- (d) where words or phrases are given a defined meaning, any other part of speech or other grammatical form of those words or phrases shall have a corresponding meaning;
- (e) a reference to "currency", "A\$", "\$A", "dollar" or "\$" is a reference to Australian currency;
- (f) a reference to a monetary amount is exclusive of GST unless otherwise specified;
- (g) "including" and similar expressions are not and must not be treated as words of limitation;
- (h) headings and tables of contents are inserted for convenience only and have no effect on interpretation.

2. NATURE AND COMMENCEMENT OF DEED

- 2.1 The Parties acknowledge and agree that this Deed is a planning agreement under Division 7.1, part 7 of the EPA Act.
- 2.2 This Deed applies to the Project Consent and evidences A-CAES's compliance with any relevant condition(s) of the Project Consent requiring entry into a planning agreement with the Council.
- 2.3 This Deed commences on the date that it is executed by the last of the Parties to execute it (**Commencement**).

2.4 A-CAES must give written notice to the Council of the occurrence of the Project Commencement Date within 28 days after it occurs.

3. CONTRIBUTION

3.1 A-CAES must pay the Contribution to the Council as follows:

- (a) \$1,600,000 on or before the date 24 months from the Project Commencement Date and in accordance with Schedule 2; and
- (b) \$1,500,000 on or before the date 5 years from the Project Commencement Date and in accordance with Schedule 2.

3.2 Each Contribution is to be adjusted in accordance with clause 4 prior to payment.

3.3 A Contribution will be taken to have been made by A-CAES when the cleared funds are received into the Council's nominated bank account.

3.4 Council must give written notice to A-CAES within 2 Business Days of each Contribution being taken to be made under clause 3.3.

4. INDEXATION

4.1 Each Contribution payable pursuant to this deed is to be adjusted for inflation (as reflected in the percentage change in CPI) between the date of Commencement and the date of payment.

5. GENERAL

5.1 A-CAES agrees to pay interest on any overdue Contribution:

- (a) from the date on which the overdue part or whole of any Contribution is due for payment under this Deed; and
- (b) until the date on which the overdue part or whole of any Contribution is paid.

5.2 The rate of interest payable under clause 5.1 will be the bank bill swap interest rate within Australia that is published by the Australian Financial Markets Association during the relevant period when the relevant Contribution is overdue.

5.3 For the avoidance of doubt, a Contribution is not overdue:

- (a) unless, after 20 Business Days has passed from the date the Contribution was due under clause 3.1, Council has given A-CAES written notice requiring the Contribution which has not been addressed within 10 Business Days of receipt; and
- (b) if the Contribution is the subject of a dispute being dealt with under clause 13.

6. APPLICATION OF CONTRIBUTIONS

6.1 Council is to spend the Contributions on the Community Energy Project, the Heritage Restoration Project, and/or the Telecommunications Project as outlined in Schedule 2, being public purposes within the meaning of s.7.4 of the EPA Act.

6.2 The Council's expenditure of the Contributions will be subject to the financial reporting and auditing requirements under the LG Act and included in each relevant Annual Report of the Council.

6.3 Nothing in this Deed prevents the Council from investing, accumulating or combining the Contribution with other funding or assistance to progress the Community Energy

Project, the Heritage Restoration Project, the Telecommunications Project or any alternative public purpose agreed under clause 7.2.

6.4 The Parties agree and acknowledge that:

- (a) the Council may, at its sole discretion, allocate the Contribution to all or any one project outlined in Schedule 2; and
- (b) the total funds payable by A-CAES under this Deed towards either the Community Energy Project, the Heritage Restoration Project and/or the Telecommunications Project must not exceed the total amount payable under clause 3.

6.5 Council must:

- (a) give written notice to A-CAES within 30 days of Council making any resolution as to how all, or any part, of the Contribution is to be allocated towards the Community Energy Project, the Heritage Restoration Project, and/or the Telecommunications Project; and
- (b) provide A-CAES with a copy of the relevant Annual Report of the Council within 14 days of the Annual Report being posted on the Council's website.

7. FRUSTRATION OF CONTRIBUTION PROJECTS

7.1 Notwithstanding any other clause of this Deed, the parties acknowledge and agree that the processes outlined in clause 7.2 will apply if:

- (a) development consent is required under the EPA Act for the Community Energy Project, Heritage Restoration Project or Telecommunications Project (as applicable) and:
 - (i) development consent for the relevant Project has not been obtained within 10 years of the Project Commencement Date; or
 - (ii) development consent for the relevant Project has been obtained but has lapsed, been set aside by the Court or been surrendered prior to a Contribution being made;

or

- (b) development consent is not required under the EPA Act for the Community Energy Project, Heritage Restoration Project or Telecommunications Project (as applicable), but no material steps have been taken by the Council to progress the relevant Project within 10 years of the Project Commencement Date.

7.2 Where clause 7.1 applies, A-CAES and the Council agree to discuss and negotiate, in good faith, alternative public purposes to which any unpaid component of the Contribution may be made and applied.

8. APPLICATION OF S.7.11, S.7.12 AND S.7.24 OF THE EPA ACT TO THE DEVELOPMENT

8.1 This Deed does not exclude the application of section 7.11 of the EPA Act to the Project or any other development proposed or carried out by A-CAES.

8.2 The making of the Contributions is not to be taken into consideration in determining a development contribution under section 7.11 of the EPA Act.

8.3 This Deed does not exclude the application of section 7.12 of the EPA Act to the Project.

8.4 This Deed does not exclude the application of section 7.24 of the EPA Act to the Project.

9. DEVELOPER WARRANTY

9.1 A-CAES represents and warrants to the Council that;

- (a) it is properly incorporated in Australia;
- (b) it has full corporate power and authority to carry out the Project and enter into and give effect to this agreement and to complete the transactions contemplated by it;
- (c) at the date of this agreement, the execution, delivery and performance of this agreement by it does not contravene any contractual, legal or other obligation of any kind that applies to it;
- (d) on execution of this agreement its obligations under it will be valid, binding and enforceable; and
- (e) it does not enter into this agreement as trustee of any trust.

10. BANK GUARANTEE

10.1 No later than 30 Business Days after the Project Commencement Date, A-CAES must provide a bank guarantee in favour of the Council in the amount of the Contribution.

10.2 If A-CAES does not comply with any of its obligations under this Deed the Council may provide a written notice requesting A-CAES to remedy the default.

10.3 If A-CAES does not remedy the default within 10 Business Days of receipt of a written notice given under this clause 10, the Council may, after giving a further 14 Business Days' notice, call on the Bank Guarantee to reimburse the Council for the costs incurred in remedying A-CAES's default, including to meet the costs of any outstanding Contribution, liability, loss, costs, charges or expenses directly or indirectly incurred by the Council because of the failure of the A-CAES to remedy its default under this Deed.

10.4 If the Council calls on the Bank Guarantee in accordance with this Deed, the Council may, by notice in writing to A-CAES, require A-CAES to provide a further guarantee in an amount that, when added to any unused portion of any existing guarantee does not exceed the amount of the guarantee required under clause 10.1.

11. ENFORCEMENT OF OBLIGATIONS & SECURITY

11.1 Enforcement

- (a) Subject to clause 13, this Deed may be enforced by any Party in a court of competent jurisdiction.

11.2 Security

- (a) The Parties acknowledge and agree that:
 - (i) the effect of clause 10 is to require A-CAES to provide a bank guarantee;
 - (ii) the effect of clauses 12 and 14 is to bind any future developer who proposes to carry out the Project to the terms of this Deed.

11.3 **Termination**

- (a) This Deed terminates automatically if any of the following circumstances arise:
 - (i) if the Project Consent lapses;
 - (ii) if the Project Consent is surrendered;
 - (iii) if the Project Consent is set aside by any Court.
- (b) In the event of termination, the Council is not required to refund or return any Contributions or any part of it which has been made but must release any Security it holds under clause 10.

12. **NO FETTER**

12.1 Nothing in this Deed is to be construed as requiring the Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation:

- (a) nothing in this Deed is to be construed as limiting or fettering in any way the exercise of any statutory discretion or duty; and
- (b) nothing in this Deed imposes any obligation on the Council to exercise any function or power under the EPA Act.

13. **DISPUTE RESOLUTION**

13.1 If a party claims that a dispute has arisen under this Deed (**Claimant**), it must give written notice to the other party (**Respondent**) stating the matters in dispute and designating as its representative a person to negotiate the dispute (**Claim Notice**).

13.2 Within 20 Business Days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

13.3 The nominated representatives must:

- (a) meet to discuss the matter in good faith within 10 Business Days after service by the Respondent of notice of its representative; and
- (b) use reasonable endeavours to settle or resolve the dispute within 15 Business Days after they have met.

13.4 **Litigation**

If the dispute is not finally resolved in accordance with clause 13.3, either party is at liberty to litigate the dispute.

13.5 Continue to perform obligations

Each party must continue to perform its obligations under this Deed, notwithstanding the existence of a dispute.

14. **CHANGE OF BENEFICIARY OF THE DEVELOPMENT CONSENT**

14.1 If A-CAES intends to cease to be the person entitled to carry out the Project, it must:

- (a) Give no less than 21 days advance notice to the Council of the identity of the person who will carry out the Project (**the new Developer**), including by providing a phone number, email address and postal address for the new Developer and, if requested by either Council, evidence of the new Developer's capacity to make the Contribution; and

- (b) Procure that A-CAES and the new Developer enter into a deed of novation on terms acceptable to the Council, acting reasonably, and under which;
 - (i) the new Developer replaces A-CAES in this Deed as if the new Developer was an original party to this Deed;
 - (ii) the new Developer obtains all the rights and assumes all the obligations of A-CAES under this Deed; and
 - (iii) A-CAES and the Council each release the other from any Claim, obligation or liability arising under this Deed, whether arising before or after the novation date.

15. CHANGE TO THE PROJECT CONSENT

- 15.1 If the Project Consent is amended to allow an increase to the estimated storage capacity, the parties agree to meet to discuss an adjustment to the value of the Contributions and amendment of this Deed. Any such discussions must be undertaken in good faith and with regard to the Principles of Community Benefit Sharing, and any Guidelines on Community Benefit Sharing published by the NSW Department of Planning (or similar).

16. GST

16.1 Definitions

Words and expressions used in this clause which are not defined in this Deed, but which are defined in the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* (**the GST Act**), have the same meaning as in the GST Act.

16.2 GST

The parties acknowledge and agree that:

- (a) Divisions 81 and 82 of the GST Act apply to the supplies made under and in respect of this Deed; and
- (b) no additional amounts will be payable on account of GST and no tax invoices will be exchanged between the parties.

16.3 Reimbursement

Notwithstanding clause 16.2, to the extent an amount of GST is payable on a supply made by a party (**Supplier**) under or in connection with this Deed (**GST Amount**), the recipient must pay to the Supplier the GST Amount. The Supplier must provide a tax invoice to the recipient on or before the date the consideration is payable.

17. NOTICES

- 17.1 A notice given by a party pursuant to this Deed must be in writing and addressed to the other party or parties in accordance with the details nominated in Schedule 1 to this Deed. A party may amend its details for notice by notice to the other parties.

- 17.2 A notice shall be deemed to be given and received:

- (a) if sent by pre-paid post, three (3) Business Days after it has been posted;
- (b) if sent by email during Business Hours, on the day it was sent; and if sent by email outside Business Hours, on the first Business Day after the day it was sent; and

- (c) if delivered during Business Hours, on the day of delivery; and if delivered outside Business Hours, on the first Business Day after the day of delivery.

17.3 A notice given or a document signed or served on behalf of any party by any director or company secretary, or solicitor of that party shall be deemed to have been given, signed or served by that party personally.

18. COSTS

18.1 A-CAES is to pay the reasonable Costs (including legal fees) incurred by the Council in relation to the preparation, negotiation, execution and (where applicable) the stamping, registration and enforcement of this Deed.

18.2 A-CAES must pay its own costs and expenses (including legal fees) of and incidental to the preparation, negotiations, execution and (where applicable) the stamping and registration of this Deed.

19. MISCELLANEOUS

19.1 Relationship of the Parties

- (a) Nothing in this Deed creates a relationship of agency between the parties or authorises one of them to enter into any contracts or other commitments which bind any other party without their express written approval.
- (b) Nothing in this Deed is intended or to be implied to create a relationship of employment, partnership or joint venture between the parties or any of their respective agents, employees, sub-contractors and assigns.

19.2 No Waiver

- (a) Any delay or failure to enforce any term of this Deed will not be deemed to be a waiver.
- (b) There is no implied waiver by either party in respect of any term of this Deed and any waiver granted by either party shall be without prejudice to any other rights.
- (c) Any waiver must be in writing and does not cover subsequent breaches of the same or a different kind.
- (d) A waiver by a party of its rights under this Deed is only effective in relation to the particular obligation or breach in respect of which it is given.

19.3 Indemnity

- (a) A-CAES indemnifies the Council from and against all claims for damages that may be sustained, suffered, recovered or made against either Council resulting or arising from any breach by A-CAES of its obligations under this deed.
- (b) A-CAES's liability in respect of any indemnity given under this clause will be reduced proportionally to the extent that any unlawful, negligent or deliberately wrongful act or omission of the relevant Council, its contractors, employees or agents contributed to any loss or damage.

19.4 Deed binds Heirs

The parties each intend this Deed to be binding on their heirs, executors, administrators, receivers, liquidators, successors and assigns.

19.5 Further Assurance

Each party must promptly do all things (including executing and delivering documents) that may reasonably be required to give full effect to this Deed or to bring this Deed to an end following lawful termination.

19.6 Governing Law

This Deed shall be governed by and construed in accordance with the laws of New South Wales and the parties submit themselves to the exclusive jurisdiction of the courts of that jurisdiction and those that have jurisdiction to hear any appeals from them in respect of any proceedings arising from or in connection with this Deed.

19.7 Entire Deed

This Deed:

- (a) is the entire agreement of the parties concerning everything connected with the subject matter of this Deed; and
- (b) supersedes any prior representations, statements, promises or understanding on anything connected with that subject matter.

19.8 Modification of Deed

- (a) This Deed may be amended or revoked by further Deed in writing, signed by the Parties in accordance with s.205(3) of the EPA Regulation.
- (b) The Parties acknowledge and agree that, if this Deed is amended or revoked, the Council must give public notice of the proposed amendment or revocation in accordance with s.204 of the EPA Regulation.

19.9 Severability

If any provision of this Deed is void, unenforceable or illegal in the jurisdiction governing this Deed, then:

- (a) it is to be read down so as to be valid and enforceable; or
- (b) if it cannot be read down, the provision (or where possible the offending words), is severed from this Deed and the rest of this Deed remains in force.

19.10 Non-Merger

Any provision of this Deed which imposes any obligation or confers a right on a party after completion, or which remains to be performed or is capable of having effect following completion, shall not merge on completion but shall remain in full force and effect.

19.11 Confidentiality

- (a) The Parties agree that the terms of this Deed are not confidential, and this Deed may be treated as a public document and exhibited or reported without restriction by any party.
- (b) A-CAES must not issue, publish or authorise any media release or advertisement concerning the Contributions, including on social media, without obtaining the prior written approval of the Council (which approval may not be unreasonably withheld).
- (c) Council must not issue, publish or authorise any media release, statement or advertisement concerning the Contributions, the Community Energy Project,

the Heritage Restoration Project, or the Telecommunications Project, including on social media, without obtaining the prior written approval of A-CAES (which approval may not be unreasonably withheld).

- 19.12 **Counterparts and electronic execution**
- 19.13 This Deed may be executed in any number of counterparts, all of which taken together constitute one and the same document.
- 19.14 Each party agrees and confirms that:
- (a) any party may execute this document by signing a copy of it electronically, which will be legally valid execution;
 - (b) each signed electronic copy of this document (or print out of it) is taken to be an original counterpart; and
 - (c) separate counterparts may be signed by each signatory for each party.
- 19.15 Each party which executes this document by using electronic signatures confirms that this method of execution is as conclusive of its intention to be bound by the document as signing by physical signature.
- 19.16 Where executed in counterparts and exchanged, this deed will bind the parties on and from the date of this deed or, if undated, the date on which the last counterpart is exchanged.

EXECUTION

EXECUTED as a Deed.

EXECUTED for and on behalf of **Broken Hill
Council** by its authorised delegate:)
)
)

.....
Signature of Witness

.....
Signature of Authorised Delegate

.....
Print Name of Witness

.....
Print Name of Authorised Delegate

.....
Print Title or Occupation of Witness

.....
Print Title of Authorised Delegate

EXECUTED by)
A-CAES NSW Pty Ltd)
ACN 160 905 706 in acting by the following)
persons or, if the seal is affixed, witnessed by
the following persons in accordance with
section 127 of the *Corporations Act 2001* (Cth)::

.....
Signature of Director

.....
Signature of Director/Secretary

.....
Name of Director

.....
Name of Director/Secretary

SCHEDULE 1 - NOTICE DETAILS

Council

Contact Jay Nankivell, General Manager, Broken Hill City Council
Delivery Address 240 Blende St
Post PO Box 448 Broken Hill NSW 2880
Phone 08 8080 3386
Email Jay.Nankivell@brokenhill.nsw.gov.au / council@brokenhill.nsw.gov.au

A-CAES

Contact: Martin Becker / Kristel Ross
Delivery Address
Post Suite 8.02, Level 8, 420 St Kilda Road, Melbourne, Victoria, Australia
Phone +61 419 351 500
Email martin.becker@hydrostor.ca / kristel.ross@hydrostor.ca

SCHEDULE 2: CONTRIBUTIONS

SCHEDULE 2: CONTRIBUTIONS

1. Community Energy Project

1.1 The Council has developed the Broken Hill City Council Renewable Energy Action Plan to identify options for development of renewable energy sources within the Broken Hill City Council LGA.

Renewable Energy Objectives

1.2 The Council's Broken Hill City Council Renewable Energy Action Plan includes the following renewable energy objectives:

- (a) to reduce the cost and uncertainty of future energy supply to Council infrastructure and transport;
- (b) to increase use and innovation of renewable resources and decrease the use of non-renewable resources;
- (c) to attract and retain people and business to the Broken Hill City Council LGA;
- (d) to support residents and local businesses suffering financial stress or discomfort due to energy affordability; and
- (e) to play its part in mitigation for, and adaptation to, climate change.

1.3 The Council desires to install rooftop/carpark solar and storage on Council owned assets to a level that reaches 100% renewable energy for Council. Furthermore, distributed energy resources will be utilised to enter into a community power agreement to reduce energy use and costs throughout the Broken Hill City Council LGA along with meeting carbon emission goals identified in accordance with Council's Sustainability Strategy.

Funding

1.4 Subject to clauses 6.4 and 6.5 of this Deed, A-CAES agrees to provide the Contribution to Council in support of the Community Energy Project to be spent by the Council on planning, procurement and installation of physical infrastructure to deliver the Community Energy Project.

2. Heritage Restoration Project

2.1 A-CAES has agreed to make contributions towards the restoration of a heritage building within the Broken Hill Council LGA for Council or community use.

Heritage Reference Panel

2.2 The Council agrees to establish and facilitate meetings of a panel, to be known as the Heritage Reference Panel, for the purpose of:

- (a) identifying suitable Council owned heritage sites or buildings, not currently in use and requiring restoration, that may be used for community or mixed-use purposes (**Heritage Buildings**); and
- (b) preparing a short-list of Heritage Buildings to the Council.

2.3 The Heritage Reference Panel is to have no less than

- (a) two (2) representatives of the Council;
- (b) two (2) representatives of A-CAES; and
- (c) two (2) representatives from the Broken Hill community.

2.4 Subject to the agreement of the Parties, the Parties may invite additional attendees, or appoint additional or alternative members, to the Heritage Reference Panel.

2.5 The Heritage Reference Panel must develop and agree criteria for the evaluation of Heritage Buildings, that may include:

- (a) the cost and complexity of restoration works;
- (b) the potential long-term sustainability and use of the Heritage Building;
- (c) the broad community benefit to the Broken Hill Community of the Heritage Building;
- (d) tenure or ownership issues or requirements; and
- (e) any other relevant matters.

2.6 The assessment criteria must include, as a mandatory criteria, that the cost of the project be less than the value of the Contribution to be made by A-CAES pursuant to clause 2.11 of this Schedule 2.

2.7 The Heritage Reference Panel is to prepare and put a report to the Council which includes the Panel's assessment of no less than 3 Heritage Buildings against the agreed criteria and identify the Heritage Building most highly recommended for restoration.

2.8 The Panel recommendation must be made with the agreement of the A-CAES panel representatives.

Final Selection of Heritage Building

2.9 The Council is to consider the Panel report and recommendation and may approve a Heritage Building for restoration from the Panel's report (**Heritage Restoration Project**).

2.10 The Council must notify the Heritage Reference Panel of its decision under clause 2.9 of this Schedule 2.

- 2.11 If the Council decides to proceed with a Heritage Restoration Project then, within 60 days of that resolution being made and subject to clauses 6.4 and 6.5 of this Deed, A-CAES must provide a Contribution to the Council to be put towards the Heritage Restoration Project (the **Heritage Contribution**).
- 2.12 If the Council decides not to proceed with a Heritage Restoration Project then, within 60 days of that decision being made, A-CAES is to nominate an alternative long-term sustainable community project, including an improvement or upgrade to a community service facility, to which the Heritage Contribution may be applied.

3. Telecommunications Tower

- 3.1 A-CAES has agreed to make contributions towards the installation of a new Telecommunication Tower for the North of Broken Hill to increase coverage area and assist with multiple large economic events in the Broken Hill City Council LGA such as St Pats Races, Broken Hill Mundi Mundi Bash, Agfair and residential users in general.
- 3.2 The coverage area will include the following areas:
- (a) Broken Hill Race Course;
 - (b) Living Desert State Park;
 - (c) Potosi Mine and Stephens Creek; and
 - (d) The capacity to reach Silverton and the Broken Hill Mundi Mundi Bash.

Funding

- 3.3 Subject to clauses 6.4 and 6.5 of this Deed, A-CAES agrees to provide a Contribution to Council in support of the Telecommunications Project to be spent by the Council as an overall contribution for the project which will include mobilisation to site, a new 4G and 5G Base Station inclusive of all installation costs, and ongoing maintenance for the solutions life.

Explanatory Note: A-CAES Planning Agreement

Introduction

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of the proposed Planning Agreement (the "**Planning Agreement**") prepared under Section 7.4 of the *Environmental Planning & Assessment Act 1979* (NSW) (the "**the Act**").

This Explanatory Note has been prepared jointly by the Parties as recommended by the *Planning Agreements Practice Note February 2021*.

This explanatory note is not to be used to assist in construing the Planning Agreement.

Parties to the Planning Agreement

The Parties to the Planning Agreement are Broken Hill City Council and A-CAES Australia NSW PTY LTD ACN 644 102 858 ("**Developer**").

The Developer has made a State significant development application (SSD-47065463) for the development of a 200 MW / 1600 MWh A-CAES facility to be co-located on the Potosi Mine site, and a new 220kV electricity transmission line, within the Broken Hill City Council Local Government Area. "ACAES" stands for an Advanced Compressed Air Energy Storage. The Project will involve the storage of compressed air, and generation of electricity from that compressed air and transmission of that electricity to an existing TransGrid substation. The Minister for Planning and Public Spaces will determine that application.

On 26 September 2024 the Developer made a formal offer to enter into a planning agreement with the Council to provide monetary contributions to the Council. The contributions are to be applied to:

- a. A Community Energy Project;
- b. A Heritage Restoration Project, involving the purchase or restoration of a heritage building within the Broken Hill City Council Local Government Area for Council or community use; and
- c. The installation of a new Telecommunication Tower for the North of Broken Hill,

in accordance with the terms of the agreement.

Summary of the objectives, nature and effect of the Planning Agreement

The objective of the Planning Agreement is to record the terms of the offer made by the Developer and its obligations to provide the Contributions.

The effect of the agreement is that, if the project is given development consent, the Developer will be required to make two monetary contributions to the Council to a total of \$3.1 million (subject to CPI adjustment). The first contribution of \$1.6 million is required to be made within 2 years of the Project Commencement Date operation, being the date when the Project has commenced operation, that is, it is capable of providing input to the electricity grid. The remainder of the contribution amount is to be paid to the Council within 5 years of the Project Commencement Date.

Assessment of the Merits of the Planning Agreement

The benefits of the Planning Agreement are that the Broken Hill City Council will receive funds from the Developer to be spent on any of three projects which will have a material public benefit, being the Community Energy Project, Heritage Restoration Project and Telecommunications Project. The Council has discretion to allocate funds to one or all of the projects as it sees fit.

No negative impacts on the public or a section of the public have been identified as arising from the proposed agreement.

How the Planning Agreement promotes the public interest

The Planning Agreement promotes the public interest and the objects of the Act by providing a transparent mechanism under which the Developer is to provide funds to the Council to be used in the Broken Hill local government area to secure additional public benefits in connection with the development.

The contributions provided under the Agreement will be spent on renewable energy, restoring a heritage property and improving internet coverage within the local government area.

Identify whether the agreement, amendment or revocation conforms with the planning authority's capital works program (if any)

The Planning Agreement is not inconsistent with the Council's Capital Works Program.

Enforcement of the agreement

The agreement does not specify that certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued.

The Council will, however, be able to enforce compliance with the agreement under the *Environmental Planning and Assessment Act 1979* (NSW).

ORDINARY MEETING OF THE COUNCIL

September 17, 2024

ITEM 14BROKEN HILL CITY COUNCIL REPORT NO. 161/24SUBJECT: BUDGET CARRYOVER'S 2023/24 D24/45639**Recommendation**

1. That Broken Hill City Council Broken Hill City Council Report No. 161/24 dated September 17, 2024, be received.
2. That Council revoke the budget items as listed below in *Table 1* for the amount of \$206,705.
3. That Council note the carryover budget items as listed below in *Table 2* for the amount of \$45,435,050.

Executive Summary:

At the conclusion of each financial year some works remain either not commenced or not completed. Under *Local Government (General) Regulation (2005) Division 5, Section 211 (Authorisation of Expenditure)* it is necessary for Council each year to revoke funds for those works that are not commenced in order that the works can be carried out during the following financial year. It is not a requirement for Council to revoke funds for works that have commenced or are/have been contracted to be carried out.

The 2023-24 capital projects programme was again disrupted by ongoing delays to supply chains for equipment and materials and shortage of skilled trades people in Broken Hill. As a result, there are a number of projects that are not completed at the end of the financial year including some plant items ordered in the 2022-23 financial year that are still to be delivered by our suppliers.

As at 30 June 2024, four capital projects budgeted for \$206,705 as listed below in *Table 1* require Council's revoke and 32 capital projects budgeted for \$45,435,050 as listed below in *Table 2* have been included for Council's notation.

The total capital expenditure budget to be carried over to the 2024/25 financial year is \$45,644,755. Twelve of the carryover projects are partly or fully grant funded and the total grant funding still to be received for these projects is \$16,924,576.

Report:

A reconciliation of all budgeted capital project items for the 2023/24 financial year has been completed. As a result of this reconciliation, four capital projects have been identified that are yet to be commenced. For these works to be carried out in the 2024/25 financial year Council is required to revoke these funds.

In addition, there are 32 capital projects that have been started in the 2023/24 financial year or prior years but are incomplete. These are included in this report for Council notation.

Below is a summary of the capital works that are required to be carried forward into the 2024/25 financial year.

For Council's re-vote:

The capital projects that have yet to be started with their matching unspent funds and Council contribution are listed below and require Council to formally re-vote them as part of the 2024/25 budget:

Table 1

No.	Project Name	Budgeted Expenditure
1	Aquatic Centre - Refurbish Starting Blocks	84,500
2	Roundhouse Toilet Redevelopment - Technical Design	92,205
4	Point of Sale Replacement	30,000
	Total capital expenditure required for re-vote	\$206,705

1. Aquatic Centre - Refurbish Starting Blocks

This project has been delayed due to the unavailability of contractors willing and able to provide quotes.

2. Roundhouse Toilet Redevelopment - Technical Design

Project has been suspended pending management review of project scope.

3. Point of Sale Replacement

This project has been delayed due to other information technology projects taking priority.

For Council's notation:

The following is a list of commenced but incomplete projects as at 30 June 2024 and is for Council's notation. All unspent funds on these projects were placed in reserves at the year end and will be brought forward to cover the cost of these projects. These works with their matching reserves and/or unspent grant funds will be added to this year's budget.

Table 2

No.	Project Name	Budgeted Expenditure
1	Library, Archive & Cultural Precinct - Construction	11,858,619
2	Art Gallery Exhibition Space Upgrade	17,541
3	Heritage Walk Tours Shelter	23,074

4	Transportable from Old Police Station	54,691
5	Housing Subdivision and Duke of Cornwall Redevelopment	1,397,997
6	EP O`Neill Complex Redevelopment Project-Stage 1	6,431,110
7	Renewable Energy Action Plan stage 2	136,400
8	Changeroom Redevelopment - Alma Oval and Norm Fox Oval	904,333
9	Upgrade Airport Taxiways and Apron	9,537,438
10	Bus Shelter Renewals	13,005
11	O Neil Park Tennis Court Lighting Upgrade	76,475
12	Aquatic Centre - Shade sail replacement	12,000
13	Warnock Street Depot Garage and Utilities	4,519,732
14	Thomas St from Chloride to Sulphide St - Reconstruction	1,308,327
15	23-24 Reseal & Crack Sealing Program	140,623
16	Mulga Creek Wetlands Refurbishment	233,324
17	Bus Shelters Refurbishment - CPTIGS Round 2	45,820
18	Airport Fire Hydrant Pipe Replacement	1,181,170
19	Waste Bin Replacement	80,000
20	Airport Carpark Upgrade	598,886
21	CBD Redevelopment	2,837,623
22	Regional Roads Emergency Repair Fund Projects	1,042,579
23	Library Reservations and Print Management	10,912
24	Airport CCTV Security Upgrade	1,997
25	Booking Management Software	57,750
26	IT Asset Replacement	48,736
27	Photocopier Refresh	38,438
28	Replace Security System - Weighbridge	8,500
29	HR Management System Implementation	24,540

30	Plant and Equipment Replacement 22-23	877,703
31	Plant and Equipment Replacement 23-24	1,257,555
32	Outback Letterbox Library Van	124,000
33	Memorial Oval Lighting	537,152
	Total capital expenditure carry forward that does not require a re-vote:	\$45,435,050

1. Library, Archive & Cultural Precinct - Construction

This is a multi-year project that is planned to be completed by June 2025. Construction has commenced and project is currently on schedule.

2. Art Gallery Exhibition Space Upgrade

Finalisation of this project has been delayed by supply chain issues with the manufacture of removable modular panels.

3. Heritage Walk Tour Shelters

Project commencement was delayed after all tenders received exceeded the original budget and it was decided to undertake construction with Council staff. Construction of the shelter is complete except for installation of bollards ramps and irrigation.

4. Relocation of Transportable Building from the Old Police Station

The building was relocated to the Warnock Street Depot prior to 30, with final adjustments and finalisation post 30 June 2024.

5. Housing Subdivision and Duke of Cornwall Redevelopment

The housing component of this project has been delayed by the need to rezone land for the housing subdivision. Replacement of the amenities building and refurbishment of the tennis courts at Duke of Cornwall Park was completed in financial 2024.

6. EP O'Neill Complex Redevelopment Project-Stage 1

This a long-term project with multiple components. Refurbishment of the netball courts and related infrastructure has commenced and is planned to be completed by February 2025.

7. Renewable Energy Action Plan Stage 2

The original Renewable Energy Action Plan had to be amended due to the unavailability of land for the project. An amended plan has been approved awaiting implementation.

8. Changeroom Redevelopment - Alma Oval and Norm Fox Oval

This project is being rescope and retendered after all tenders received for a prefabricated buildings exceeded the approved budget.

9. Upgrade Airport Taxiways and Apron

This is a multi-year project that is planned to be completed by June 2025. Technical site investigations and designs have been completed in readiness for the tender and construction phases.

10. Bus Shelter Renewal

One of three bus shelter has been installed in Gypsum Street and installation of the other two is planned for the 2024-25 financial year.

11. O Neil Park Tennis Court Lighting Upgrade

Installation of poles and lights was complete at 30 June 2024 and installation of a replacement switchboard and final commissioning and handover of the project was completed in September 2024.

12. Aquatic Centre - Shade sail replacement

Completion of this project was delayed at 30 June 2024 due to contractor illness and the project was completed in September 2024.

13. Warnock Street Depot Garage and Utilities

The design and tender phases of this project have been completed. Construction is planned to be completed by June 2025.

14. Thomas St from Chloride to Sulphide St - Reconstruction

This project has had a long lead time due to investigation of a possible subterranean water course under the road, coordination with hospital building projects and consideration of extension of the original scope to include the Sulphide to Bromide Street section of the road. Construction commenced in September 2024.

15. 23-24 Reseal & Crack Sealing Program

Completion of this project extended beyond the 2024 financial year due to non-local line marking contractors not being available until September 2024.

16. Mulga Creek Wetlands Refurbishment

This project required extensive technical investigation and planning to develop an effective methodology and scope of work. Works commenced on site in August 2024.

17. Bus Shelters Refurbishment - CPTIGS Round 2

This is a grant funded project under the Country Passenger Transport Infrastructure Program that involves the replacement of 12 bus shelters around the city and is scheduled to be completed by 30 June 2025.

18. Airport Fire Hydrant Pipe Replacement

The tender for this project is complete and contract awarded. Works are expected to be completed by February 2025.

19. Waste Bin Replacement

This project involves replacement of smart bins in the CBD with new conventional bins, The bins are currently being installed by Council staff as scheduling permits.

20. Airport Carpark Upgrade

This project approved by Council at its May 2024 meeting and is currently in the technical design phase is scheduled to be completed in October 2024

21. CBD Redevelopment

This project was commenced in the 2022 financial year and currently has four components:

- Erection of banner poles – Complete
- Banner pole lighting – Complete
- Installation of wayfinding signs and structures – Complete
- Town Square redevelopment – Under construction
- Argent Street paving replacement – Under construction

22. Regional Emergency Road Repair Fund Projects

This project is fully funded by Transport for NSW and consists of 26 separate local and regional road projects. Five projects were completed in 2024 with whole project scheduled to be completed by 30 June 2027.

23. Library Reservations and Print Management

Project is nearing completion awaiting final configuration changes before it goes live.

24. Airport CCTV Security Upgrade

Project is nearing completion awaiting final configuration by contractors.

25. Booking Management Software

Project tender has been completed and contract awarded. Council staff are working with software supplier to develop an implementation plan that is scheduled to be completed by 30 June 2025.

26. IT Asset Replacement 2023-24

Ordered equipment had not been delivered as at 30 June 2024.

27. Photocopier Refresh

Installation of the photocopier at the Civic Centre delayed awaiting electrical contractor to install GPO and cabling.

28. Replace Security System – Weighbridge

This project was delayed by unavailability of contractor and is due be completed end of September 2024.

29. HR Management System Implementation

Implementation is complete and final user acceptance testing is currently being done to finalise the project.

30-32. Plant and Equipment Replacement - 2022 to 2024

The effect of Covid 19 on supply chains in the motor vehicle industry is still impacting supply of plant and equipment particularly heavy duty and specialised equipment. We are awaiting delivery of the following vehicles:

- Ordered 2022-23
 - Outback Letterbox Library Van
 - Bitumen Truck
 - Elevated Work Platform
 -
- Ordered 2023-24
 - Small Fleet Trailer
 - Streetsweeper
 - Cleaners Van
 - Tipper Truck
 - Chipper Truck
 - Replacement Utilities

33. Memorial Oval Lighting

This project was delayed to enable Council to seek engineering reports on existing light towers for reuse, to reduce overall costs.

In summary, \$743,857 requires a Council re-vote and \$44,900,898 will be carried forward into the 2024/25 financial year which does not require a Council re-vote.

The total carryover expenditure budget for 2024/25 is \$45,644,755. Twelve of the carryover projects are partly or fully grant funded and the total grant funding still to be received for these projects is \$16,924,576.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993

Local Government (General) Regulation 2021 Division 5, Section 211

Financial Implications:

The recommendation will have an impact on the representation of the cash flow in the 2024/25 year as the carry forward expenditure of \$45,644,755 less related grant income of \$16,924,576 was not forecast to be expended in this year.

However, it will not influence Council’s budgeted cash position as this revenue and expenditure were forecasted for 2024/25 based on the projects being completed in the 2023/24 financial year.

An updated capital budget inclusive of the approved carryovers will form part of the September 2024 Quarterly Budget Review report.

Attachments

There are no attachments for this report

SIMON BROWN
DIRECTOR FINANCE AND COMMERCIAL

JAY NANKIVELL
GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

October 16, 2024

ITEM 15

BROKEN HILL CITY COUNCIL REPORT NO. 162/24

SUBJECT: INVESTMENT REPORT FOR AUGUST 2024 D24/50234

Recommendation

1. That Broken Hill City Council Report No. 162/24 dated October 16, 2024, be received.

Executive Summary:

The *Local Government (General) Regulation 2021* (Part 9, Division 5, Clause 212), effective from 1 September 2021, requires the Responsible Accounting Officer of a Council to provide a written report setting out details of all monies that have been invested under Section 625 (2) of the *Local Government Act 1993*, as per the Minister's Amended Investment Order gazetted 11 March 2011. The Responsible Accounting Officer must also include in the report, a certificate as to whether the investment has been made in accordance with the Act, the Regulations and the Council's Investment Policy.

As at 31 August 2024, Council's Investment Portfolio had a current market valuation of \$33,971,630 or principal value (face value) of \$33,706,347 and was compliant with policy and legislative requirements as per the below table.

Report:

Council's investments as at 31 August 2024 are detailed in Attachment 1.

Portfolio Summary		
Portfolio Performance vs. RBA Cash Rate	✓	Compliant with policy
Investment Policy Compliance		
Legislative Requirements	✓	Compliant with policy
Portfolio Credit Rating Limit	✓	Compliant with policy
Institutional Exposure Limits	✓	Compliant with policy
Term to Maturity Limits	✓	Compliant with policy

Market Review

Global issues:

- At an annual gathering of global finance leaders, US Federal Reserve Chairman, Jerome Powell, made it clear that the time has come for the US to start cutting interest rates. The statement comes after the release of the Fed's July meeting minutes, where it was noted that most members considered a September rate cut as "likely appropriate". Now, the financial markets are weighing up whether the rate cut will be 25 basis points or possibly 50 basis points.

- The European Central Bank is expected to cut rates in September. In a further sign that inflation is easing, Eurozone negotiated wages in the June quarter rose by 3.6% year on year, down from 4.7% in the March quarter.
- In the UK overall inflation rose less than expected and core and services inflation fell more than expected. The still high level of services inflation of 5.2%yoy, wages growth at 5.4%yoy and unemployment at 4.2% leave a September rate cut unclear, but it is expected that the Bank of England will cut twice more this year.
- Australian (+0.4%), US (+2.4%) and European (+1.6%) share markets managed to record gains in by the end of August rebounding from sharp falls at the start of the month. Worries about a US recession were made worse when global hedge funds rushed to unwind risky positions in response to the Bank of Japan raising interest rates. Better-than-expected US economic data and comments from the Bank of Japan that it will not raise rates in “unstable markets” helped calm the markets for the remainder of the month.

Domestic issues

- The latest monthly consumer price index (CPI) release showed a rise of 3.5% year on year for July, down from the 3.8% for the year ending June. Underlying inflation, excluding volatile items, rose 3.7% still well above the RBA’s 2-3% target range.
- Annual inflation is still above 3% for many essential items, but it has fallen below 2% for clothing, furnishing and household services, communication and recreation. There are now more CPI basket items with inflation less than 2%yoy than there are with inflation above 3%yoy.
- Latest jobs data was mixed. Employment growth was solid and hours worked rose but unemployment increased again to 4.2% as labour market participation expanded to a record high and population growth remains very strong. Overall, the labour market is continuing to gradually cool with signs that the demand for labour is not quite keeping up with strong growth in the supply of workers.
- With the rise in unemployment due to a rising labour supply, it is not regarded as bad as a rise in unemployment on the back of job losses. So, the RBA will not feel rushed into rate cuts. But it is still a cooling in the labour market and forward-looking labour market indicators – like job ads and hiring plans – that continue to point to slower jobs growth ahead.

Interest rates

- The RBA kept the official cash rate unchanged at 4.35% following its meeting in early-August.
- The RBA reiterated that it is “not ruling anything in or out” and sees a slightly slower return of underlying inflation to target. It gave “very serious consideration” to another hike but not a cut and Governor Bullock noted that “interest rate reductions by the end of the year and the next six months...doesn’t align with the [Board’s] thinking...at the moment”.
- Despite the RBA claiming a rate hike is not off the table, the market has completely discounted the probability of a rate increase. The market is pricing in the next move to be a 25bp rate cut in the first quarter of 2025 and another 50bp worth of rate cuts by mid-2025:
- Term deposit rates across the 1 month to 5 year range dropped by an average of 30bps during August with the biggest decrease in the 1 to 5 year terms where the average rate fell by 50bps.

Investment Portfolio Commentary

Council's investment portfolio returned 7.15%pa (0.59% actual) for the month on a marked-to-market basis versus the bank bill index benchmark's 4.49%pa (0.37% actual) return. Over the past 12 months, the investment portfolio has returned 4.90% versus the bank bill index benchmark's 4.37%.

The NSW TCorp Medium Term Growth Fund (+1.87% actual in July) picked up where it left off last month, recording a strong gain. With domestic and global shares recording solid gains and bond valuations benefiting from the market's reaction to easing inflation concerns, the funds' returns reflected the upbeat mood for the month.

During July, Council had a \$500k seven-month Suncorp TD mature that had been yielding 5.28%pa. Council invested \$4m across six new NAB TDs with terms ranging between 4 and 10 months and yielding an average of 5.36%pa.

The sale of Suncorp to ANZ is now official, however Suncorp will continue to trade under its own banking licence and will be regarded as a separate entity unless they eventually trade under the same licence. Standard & Poor's has upgraded Suncorp's credit rating to AA- in the assumption that ANZ, also rated AA-, would step in to support the bank if required.

Council has a well-diversified portfolio invested predominantly among a range of term deposits from highly rated Australian banks. Council also has exposure to a wide range of asset classes, including senior ranked fixed and floating rate notes, listed property and international and domestic shares via the NSW TCorp Medium Term Growth Fund. It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection.

Council's Portfolio by Source of Funds – August 2024

As at 31 August 2024, Council's Investment Portfolio had a current market valuation of \$33,971,630 or principal value (face value) of \$33,706,347 and was compliant with policy and legislative requirements as per the table above.

	Source of Funds	Principal Amount
GENERAL Fund	Operating Capital & Internal Restrictions	\$16,984,766
	Royalties Reserve	\$627,431
	Domestic Waste Management Reserve	\$5,683,074
	Grants	\$10,411,076
	TOTAL PORTFOLIO	\$33,706,347

Certificate by Responsible Accounting Officer

All investments have been placed in accordance with Council's Investment Policy, Section 625 of the *Local Government Act 1993* (as amended), the Revised Ministerial Investment Order gazetted 11 February 2011, Clause 212 of the *Local Government (General) Regulations 2005* and Third-Party Investment requirements of the then Department Local Government Circular 06-70. Council continues to obtain independent financial advice on its investment portfolio in accordance with the then Department of Local Government Circular of 16 September 2008.

Community Engagement:

Nil

Strategic Direction:

- Key Direction 4: Our Leadership
- Objective 4.1: Openness and Transparency in Decision Making
- Action 4.1.5 Support the organisation to operate within its legal framework

Relevant Legislation:

This report is provided for Council's consideration in compliance with the requirements of *Part 9, Division 5, Clause 212 of the Local Government (General) Regulations 2021*.

Financial Implications:

The recommendation has no financial impact.

Attachments

1. [↓](#) Investment Report For August 2024

SIMON BROWN
DIRECTOR FINANCE AND COMMERCIAL

JAY NANKIVELL
GENERAL MANAGER



Investment Summary Report
August 2024



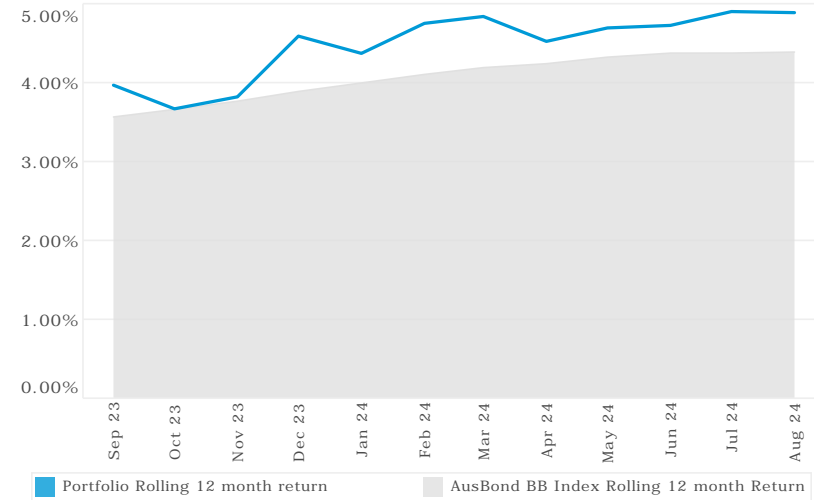
BROKEN HILL CITY COUNCIL
Executive Summary - August 2024



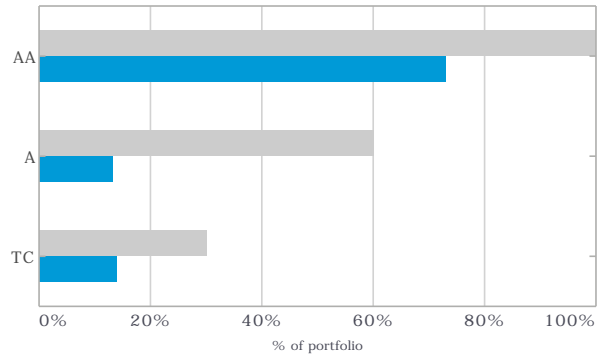
Investment Holdings

	Face Value (\$)	Current Value (\$)
Cash	14,022,442	14,022,442
Managed Funds	4,683,905	4,683,905
Term Deposit	15,000,000	15,265,284
	33,706,347	33,971,630

Investment Performance

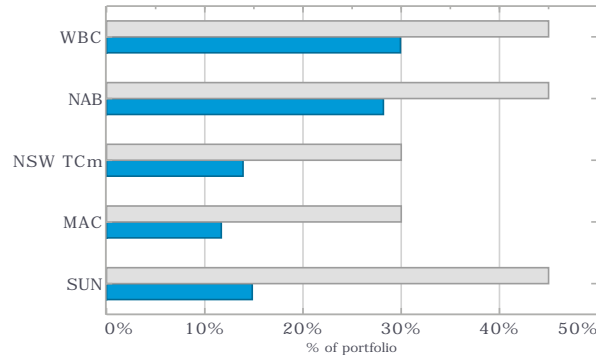


Total Credit Exposure



Investment Policy Compliance

Individual Institutional Exposures



Term to Maturities

	Face Value (\$)	Policy Max
Between 0 and 1 years	33,706,347	100% a
	33,706,347	

Specific Sub Limits

Between 5 and 10 year:	0	0%	30% a
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Portfolio Exposure Investment Policy Limit



BROKEN HILL CITY COUNCIL
Investment Holdings Report - August 2024



Cash Accounts

Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
3,937,704.87	4.2511%	Macquarie Bank	A+	3,937,704.87	540354	Accelerator
4,053,022.79	0.0000%	Westpac Group	AA-	4,053,022.79	473409	Cheque
6,031,714.03	5.3000%	Westpac Group	AA-	6,031,714.03	535442	90d Notice
14,022,441.69	3.4736%			14,022,441.69		

Managed Funds

Face Value (\$)	Monthly Return (%)	Institution	Credit Rating	Funds Name	Current Value (\$)	Deal No.	Reference
4,683,904.84	0.1112%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	4,683,904.84	536441	
4,683,904.84	0.1112%				4,683,904.84		

Term Deposits

Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
24-Sep-24	1,000,000.00	5.3500%	National Australia Bank	AA-	1,000,000.00	25-Sep-23	1,050,128.77	544523	50,128.77	At Maturity	
8-Oct-24	500,000.00	5.1000%	Bank of Queensland	A-	500,000.00	9-Apr-24	510,130.14	544996	10,130.14	At Maturity	
8-Oct-24	500,000.00	5.3000%	National Australia Bank	AA-	500,000.00	4-Oct-23	524,176.71	544558	24,176.71	At Maturity	
6-Nov-24	1,500,000.00	5.2000%	Suncorp Bank	AA-	1,500,000.00	6-Mar-24	1,538,252.05	544909	38,252.05	At Maturity	
26-Nov-24	1,000,000.00	4.9500%	Suncorp Bank	AA-	1,000,000.00	28-Aug-24	1,000,542.47	545405	542.47	At Maturity	
26-Nov-24	1,000,000.00	5.2500%	National Australia Bank	AA-	1,000,000.00	9-Jul-24	1,007,767.12	545236	7,767.12	At Maturity	
18-Dec-24	1,000,000.00	5.0800%	National Australia Bank	AA-	1,000,000.00	16-Apr-24	1,019,206.58	545013	19,206.58	At Maturity	
14-Jan-25	1,500,000.00	5.0500%	National Australia Bank	AA-	1,500,000.00	9-Apr-24	1,530,092.47	544998	30,092.47	At Maturity	
4-Feb-25	500,000.00	5.3300%	Suncorp Bank	AA-	500,000.00	25-Jun-24	504,964.93	545205	4,964.93	At Maturity	
11-Feb-25	500,000.00	5.3700%	National Australia Bank	AA-	500,000.00	9-Jul-24	503,972.33	545237	3,972.33	At Maturity	
18-Feb-25	500,000.00	5.3700%	National Australia Bank	AA-	500,000.00	9-Jul-24	503,972.33	545238	3,972.33	At Maturity	
25-Feb-25	500,000.00	5.1000%	National Australia Bank	AA-	500,000.00	23-Apr-24	509,152.05	545034	9,152.05	At Maturity	
25-Feb-25	1,000,000.00	5.0800%	Suncorp Bank	AA-	1,000,000.00	28-Aug-24	1,000,556.71	545406	556.71	At Maturity	
5-Mar-25	1,000,000.00	5.1600%	Suncorp Bank	AA-	1,000,000.00	6-Mar-24	1,025,305.21	544918	25,305.21	At Maturity	



BROKEN HILL CITY COUNCIL
Investment Holdings Report - August 2024



Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
18-Mar-25	500,000.00	5.0500%	National Australia Bank	AA-	500,000.00	20-Mar-24	511,414.38	544952	11,414.38	At Maturity	
25-Mar-25	500,000.00	5.4000%	National Australia Bank	AA-	500,000.00	9-Jul-24	503,994.52	545239	3,994.52	At Maturity	
8-Apr-25	500,000.00	5.2400%	National Australia Bank	AA-	500,000.00	14-May-24	507,895.89	545086	7,895.89	At Maturity	
22-Apr-25	500,000.00	5.4000%	National Australia Bank	AA-	500,000.00	1-Jul-24	504,586.30	545221	4,586.30	At Maturity	
29-Apr-25	1,000,000.00	5.4000%	National Australia Bank	AA-	1,000,000.00	1-Jul-24	1,009,172.60	545222	9,172.60	At Maturity	
	15,000,000.00	5.1983%			15,000,000.00		15,265,283.56		265,283.56		



BROKEN HILL CITY COUNCIL
Accrued Interest Report - August 2024

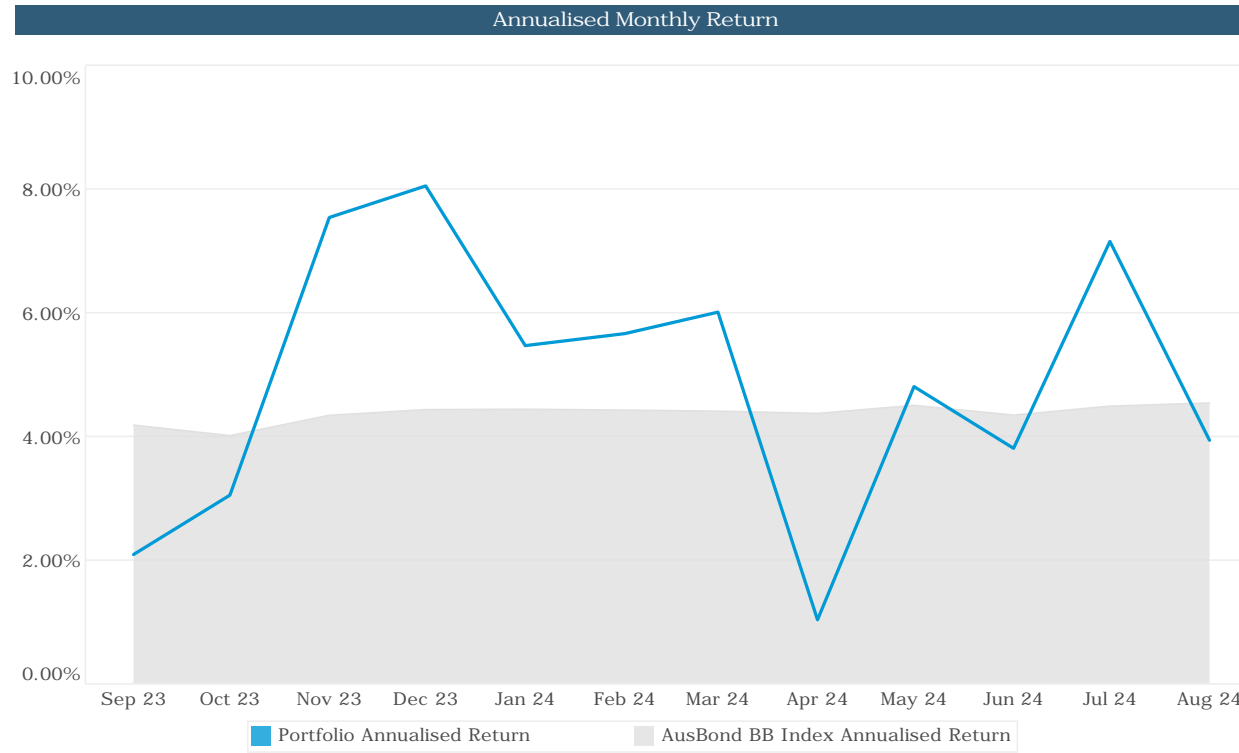


Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Yield (% pa)
Cash									
Macquarie Bank	540354					14,166.00	0	14,166.00	4.25%
Westpac Group	473409					0.00	0	0.00	0.00%
Westpac Group	535442					26,161.17	0	26,161.17	5.30%
						40,327.17		40,327.17	3.44%
Managed Funds									
NSW T-Corp Medium Term Growth Fund	536441				2-Jun-25	0.00	0	5,204.99	1.32%
						0.00		5,204.99	1.32%
Term Deposits									
Suncorp Bank	544860		2,000,000.00	23-Feb-24	28-Aug-24	51,950.14	27	7,500.82	5.07%
National Australia Bank	544523		1,000,000.00	25-Sep-23	24-Sep-24	0.00	31	4,543.84	5.35%
Bank of Queensland	544996		500,000.00	9-Apr-24	8-Oct-24	0.00	31	2,165.76	5.10%
National Australia Bank	544558		500,000.00	4-Oct-23	8-Oct-24	0.00	31	2,250.68	5.30%
Suncorp Bank	544909		1,500,000.00	6-Mar-24	6-Nov-24	0.00	31	6,624.65	5.20%
National Australia Bank	545236		1,000,000.00	9-Jul-24	26-Nov-24	0.00	31	4,458.90	5.25%
Suncorp Bank	545405		1,000,000.00	28-Aug-24	26-Nov-24	0.00	4	542.47	4.95%
National Australia Bank	545013		1,000,000.00	16-Apr-24	18-Dec-24	0.00	31	4,314.53	5.08%
National Australia Bank	544998		1,500,000.00	9-Apr-24	14-Jan-25	0.00	31	6,433.57	5.05%
Suncorp Bank	545205		500,000.00	25-Jun-24	4-Feb-25	0.00	31	2,263.42	5.33%
National Australia Bank	545237		500,000.00	9-Jul-24	11-Feb-25	0.00	31	2,280.41	5.37%
National Australia Bank	545238		500,000.00	9-Jul-24	18-Feb-25	0.00	31	2,280.41	5.37%
National Australia Bank	545034		500,000.00	23-Apr-24	25-Feb-25	0.00	31	2,165.75	5.10%
Suncorp Bank	545406		1,000,000.00	28-Aug-24	25-Feb-25	0.00	4	556.71	5.08%
Suncorp Bank	544918		1,000,000.00	6-Mar-24	5-Mar-25	0.00	31	4,382.47	5.16%
National Australia Bank	544952		500,000.00	20-Mar-24	18-Mar-25	0.00	31	2,144.52	5.05%
National Australia Bank	545239		500,000.00	9-Jul-24	25-Mar-25	0.00	31	2,293.15	5.40%
National Australia Bank	545086		500,000.00	14-May-24	8-Apr-25	0.00	31	2,225.21	5.24%

BROKEN HILL CITY COUNCIL
Accrued Interest Report - August 2024

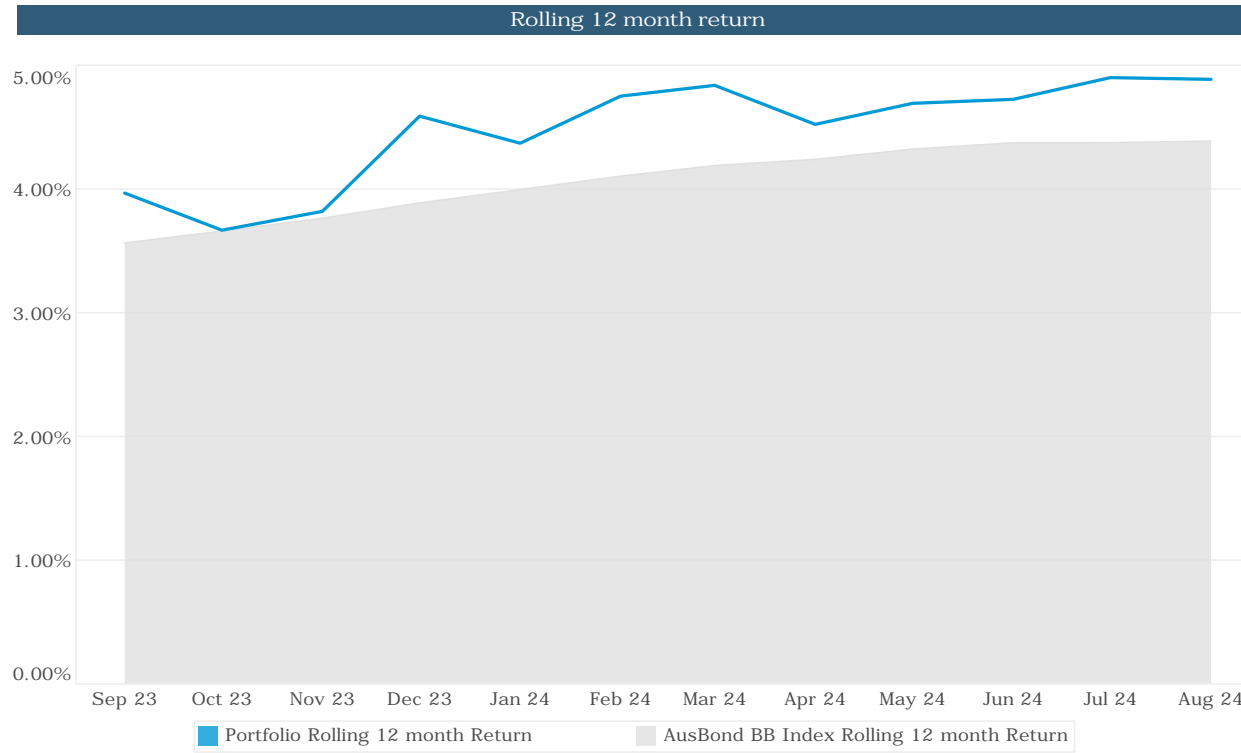


Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Yield (% pa)
National Australia Bank	545221		500,000.00	1-Jul-24	22-Apr-25	0.00	31	2,293.15	5.40%
National Australia Bank	545222		1,000,000.00	1-Jul-24	29-Apr-25	0.00	31	4,586.30	5.40%
						51,950.14		66,306.72	5.20%
Grand Totals						92,277.31		111,838.88	3.94%



Historical Performance Summary (% pa)			
	Portfolio	Annualised BB Index	Outperformance
Aug 2024	3.94%	4.54%	-0.60%
Last 3 months	4.97%	4.46%	0.51%
Last 6 months	4.46%	4.44%	0.02%
Financial Year to Date	5.53%	4.52%	1.01%
Last 12 months	4.89%	4.39%	0.50%

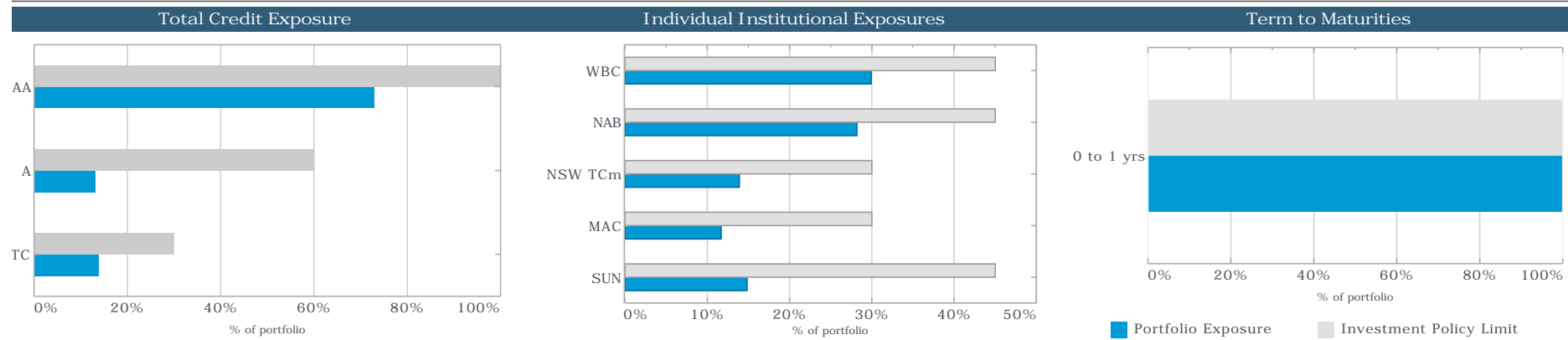
BROKEN HILL CITY COUNCIL
Investment Performance Report - August 2024



Historical Performance Summary (% actual)			
	Portfolio	Annualised BB Index	Outperformance
Aug 2024	0.33%	0.38%	-0.05%
Last 3 months	1.23%	1.11%	0.12%
Last 6 months	2.23%	2.22%	0.01%
Financial Year to Date	0.92%	0.75%	0.17%
Last 12 months	4.89%	4.39%	0.50%



BROKEN HILL CITY COUNCIL
Investment Policy Compliance Report - August 2024



Credit Rating Group	Face Value (\$)	% of portfolio	Policy Max	
AA	24,584,737	73%	100%	a
A	4,437,705	13%	60%	a
TC	4,683,905	14%	30%	a
	33,706,347			

Institution	% of portfolio	Investment Policy Limit	
Westpac Group (AA-)	30%	45%	a
National Australia Bank (AA-)	28%	45%	a
NSW T-Corp (TCm)	14%	30%	a
Macquarie Bank (A+)	12%	30%	a
Suncorp Bank (AA-)	15%	45%	a
Bank of Queensland (A-)	1%	20%	a

Term	Face Value (\$)	% of portfolio	Policy Max	
Between 0 and 1 years	33,706,347	100%	100%	a
	33,706,347			

Specific Sub Limits	Face Value (\$)	% of portfolio	Policy Max	
A-	500,000	1%	40%	a

Specific Sub Limits	Face Value (\$)	% of portfolio	Policy Max	
Between 5 and 10 years	0	0%	30%	a

Credit Rating	Current Longest Maturity (years)	Policy Max	
AA+, AA, AA-	0.66	5.00	a
A+, A, A-	0.10	3.00	a

a = compliant
r = non-compliant



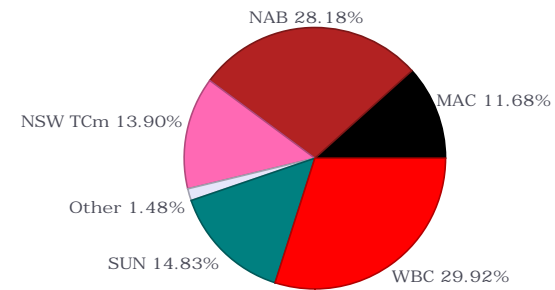
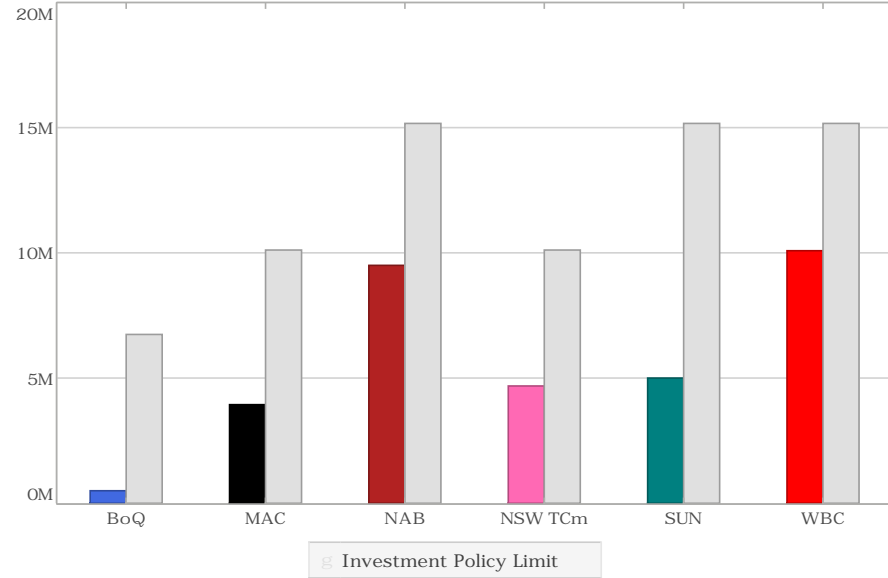
BROKEN HILL CITY COUNCIL
Individual Institutional Exposures Report - August 2024



Individual Institutional Exposures

Individual Institutional Exposure Charts

	Current Exposures		Policy Limit		Capacity
Bank of Queensland (A-)	500,000	1%	6,741,269	20%	6,241,269
Macquarie Bank (A+)	3,937,705	12%	10,111,904	30%	6,174,199
National Australia Bank (AA-)	9,500,000	28%	15,167,856	45%	5,667,856
NSW T-Corp (TCm)	4,683,905	14%	10,111,904	30%	5,427,999
Suncorp Bank (AA-)	5,000,000	15%	15,167,856	45%	10,167,856
Westpac Group (AA-)	10,084,737	30%	15,167,856	45%	5,083,119
	33,706,347				



BROKEN HILL CITY COUNCIL
Cashflows Report - August 2024



Actual Cashflows for August 2024

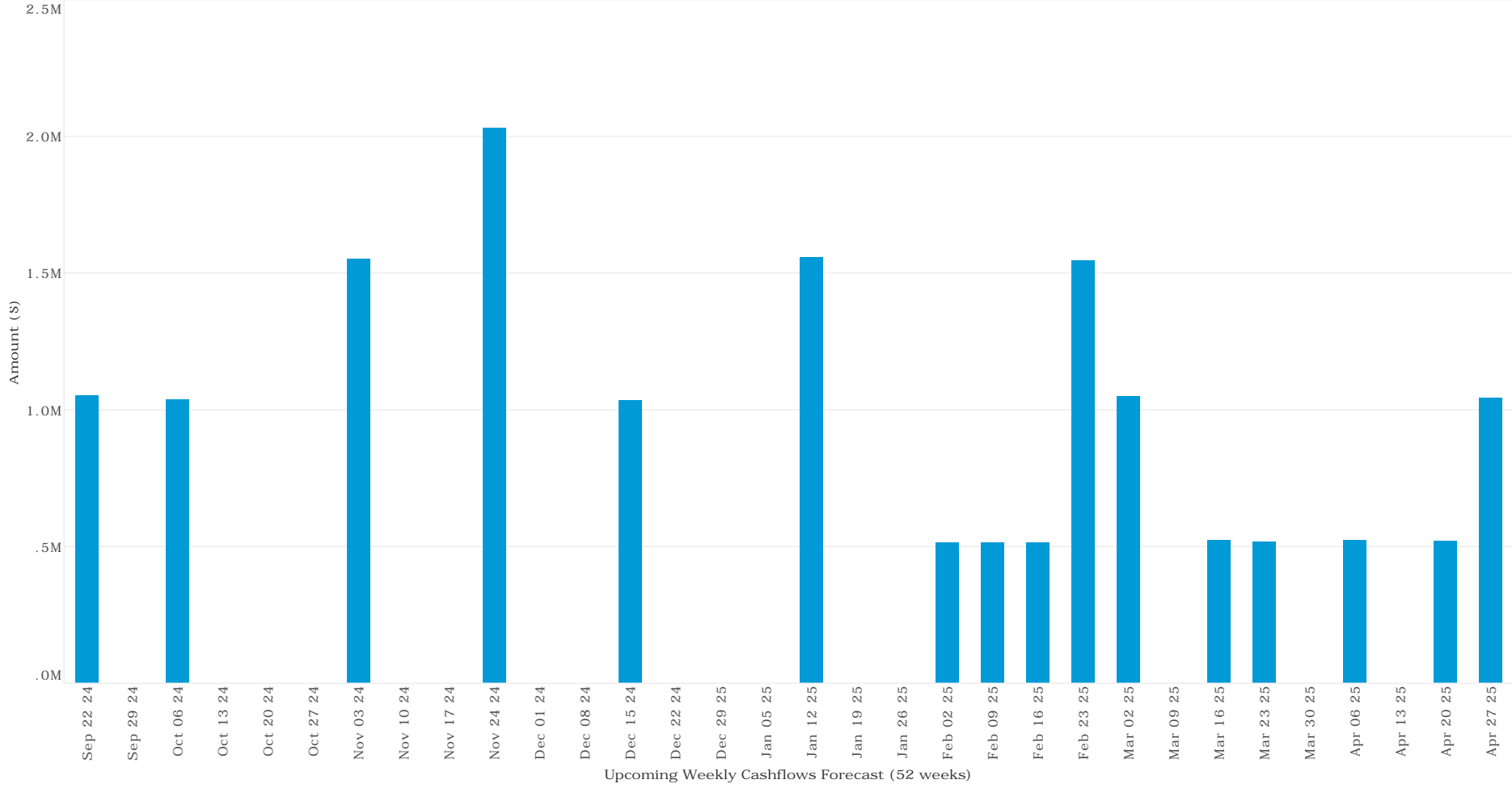
Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
28-Aug-24	544860	Suncorp Bank	Term Deposit	Maturity: Face Value	2,000,000.00
		Suncorp Bank	Term Deposit	Maturity: Interest Received/Paid	51,950.14
<u>Deal Total</u>					<u>2,051,950.14</u>
28-Aug-24	545405	Suncorp Bank	Term Deposit	Settlement: Face Value	-1,000,000.00
		<u>Deal Total</u>			
28-Aug-24	545406	Suncorp Bank	Term Deposit	Settlement: Face Value	-1,000,000.00
		<u>Deal Total</u>			
Day Total					51,950.14
<u>Total for Month</u>					<u>51,950.14</u>

Forecast Cashflows for September 2024

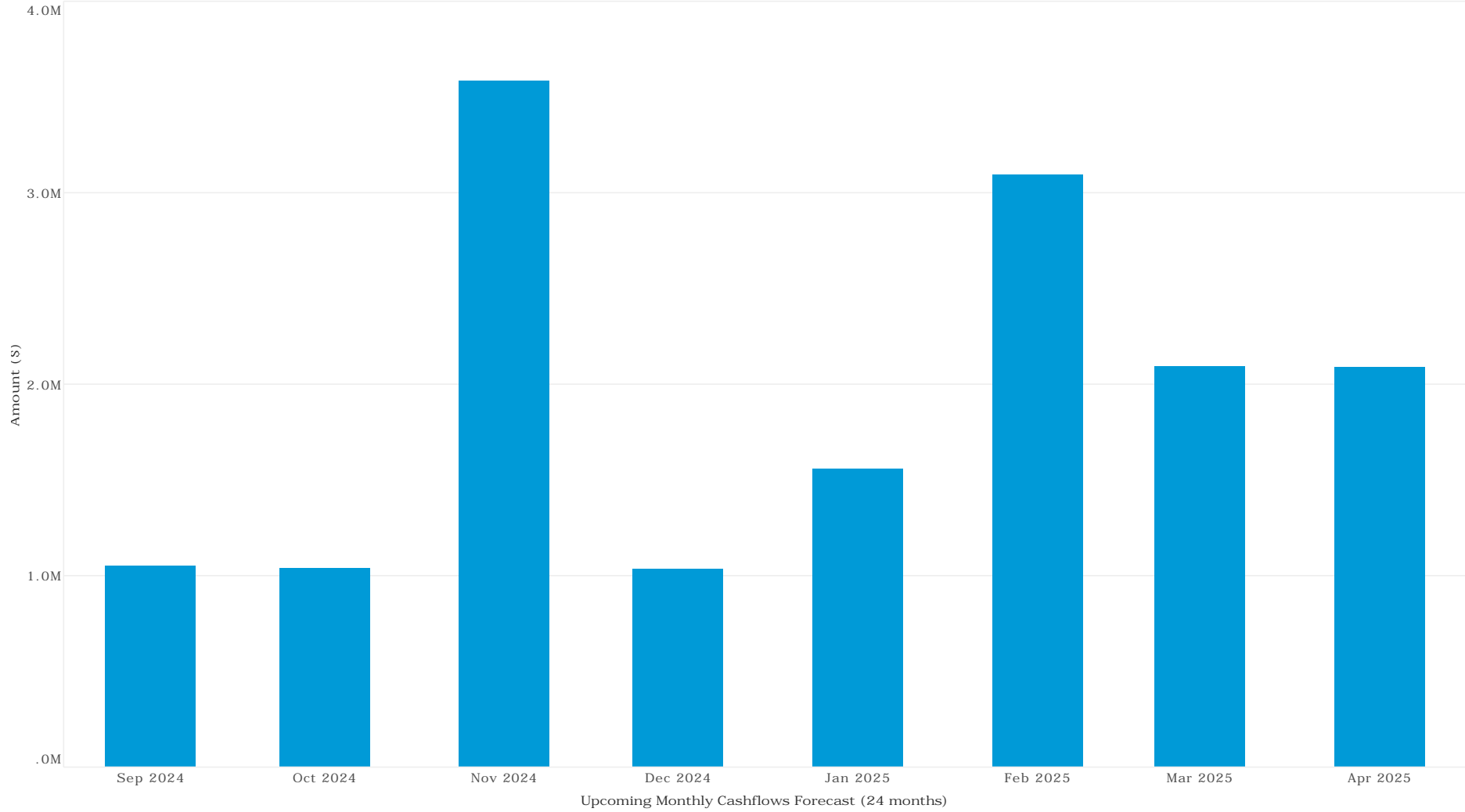
Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
24-Sep-24	544523	National Australia Bank	Term Deposit	Maturity: Face Value	1,000,000.00
		National Australia Bank	Term Deposit	Maturity: Interest Received/Paid	53,500.00
<u>Deal Total</u>					<u>1,053,500.00</u>
Day Total					1,053,500.00
<u>Total for Month</u>					<u>1,053,500.00</u>



BROKEN HILL CITY COUNCIL
Cashflows Report - August 2024



BROKEN HILL CITY COUNCIL
Cashflows Report - August 2024



ORDINARY MEETING OF THE COUNCIL

October 11, 2024

ITEM 16

BROKEN HILL CITY COUNCIL REPORT NO. 163/24

SUBJECT: INVESTMENT REPORT FOR SEPTEMBER 2024 D24/49513

Recommendation

1. That Broken Hill City Council Report No. 163/24 dated October 11, 2024, be received.

Executive Summary:

The *Local Government (General) Regulation 2021* (Part 9, Division 5, Clause 212), effective from 1 September 2021, requires the Responsible Accounting Officer of a Council to provide a written report setting out details of all monies that have been invested under Section 625 (2) of the *Local Government Act 1993*, as per the Minister's Amended Investment Order gazetted 11 March 2011. The Responsible Accounting Officer must also include in the report, a certificate as to whether the investment has been made in accordance with the Act, the Regulations and the Council's Investment Policy.

As at 30 September 2024, Council's Investment Portfolio had a current market valuation of \$31,720,220 or principal value (face value) of \$31,444,414 and was compliant with policy and legislative requirements as per the below table.

Report:

Council's investments as at 30 September 2024 are detailed in Attachment 1.

Portfolio Summary		
Portfolio Performance vs. RBA Cash Rate	✓	Compliant with policy
Investment Policy Compliance		
Legislative Requirements	✓	Compliant with policy
Portfolio Credit Rating Limit	✓	Compliant with policy
Institutional Exposure Limits	✓	Compliant with policy
Term to Maturity Limits	✓	Compliant with policy

Market Review

Global issues:

- The US Federal Reserve has started its easing cycle with a 50 basis point cut, taking the Fed Funds rate to 4.75-5% (from 5.25-5.5%), which was above economist expectations for a 25 basis point cut but in line with market pricing, which had moved over the past week to be close to fully priced for a 50 basis point cut. Markets are pricing a further 75 basis points of rate cuts before the end of 2024.
- Latest US economic data has been strong: retail sales rose in August; housing starts and building permits rose more than expected; industrial production rose by 0.8% over the

month, well above the expected +0.2%; and initial and jobless claims fell, in an encouraging sign that the US labour market is holding up.

- In China, economic activity data has been largely disappointing, particularly the troubled property market. Property investment was down 10.2% over the past 12 months, compared to a year ago, and property sales are down 25% over the year over. Economists are estimating that this will contribute to Chinese GDP growth of around 4% year on year, not the 5% targeted by the government.
- Reacting to the sluggish economy, China has stepped up monetary stimulus measures including a cut to its key policy interest rates, a 0.50% cut to outstanding mortgage rates, and a cut to the minimum downpayment on 2nd homes to 15% from 25%.
- The Australian (+3.4%) and US (+2.1%) had another month of solid returns as inflation pressures continue to ease and spurred on by the US Fed's 50 basis point rate cut. Many economists estimate Australia is lagging the US interest rate moves by 6 months. European and Japanese shares ended the month weaker, but China surged over 21% following the government's aggressive stimulus measures.

Domestic issues

- Latest Australian labour figures were solid. Jobs growth was up by 47.5K, nearly double expectations. The unemployment rate was flat at 4.2% and the participation rate remained at a record high of over 67%. The strength in the labour market reaffirms the RBA's view that the labour market is holding up well and that demand for labour is still exceeding supply of labour. But economists caution that job vacancies continue to fall which points to possible weaker jobs growth and an increase in the unemployment rate ahead.
- Latest monthly inflation data provided good news with underlying inflation measures, which the RBA focusses on, falling. Excluding volatile items, inflation fell to 3%yoy from 3.7% and trimmed mean inflation fell to 3.4%yoy from 3.8%. The annualised rate of trimmed mean inflation over the last three months fell to 2.8%, way down from 6.4% in the three months to May. Further falls in underlying inflation provide confidence that disinflation has resumed after stalling earlier this year. The trimmed mean is now tracking slightly below RBA forecasts.

Interest rates

- The RBA kept the official cash rate unchanged at 4.35% following its meeting in late-September.
- The RBA maintains that it is "not ruling anything in or out" in regard to interest rate movements and that "it will be some time yet before inflation is sustainably in the target range".
- The market continues to discount the RBA's hawkish comments and is pricing in the next move to be a 25bp rate cut in the first quarter of 2025 and another 50bp worth of rate cuts by mid-2025:
- Short dated term deposit rates from 1 month to 8 months were up slightly from last month, but average rates on deposits between 9 months and 5 years fell by 15 basis points, reflective of the market pricing in RBA rate cuts by early/mid 2025:

Investment Portfolio Commentary

Council's investment portfolio returned 5.43%pa (0.44% actual) for the month on a marked-to-market basis versus the bank bill index benchmark's 4.45%pa (0.36% actual) return. Over the past 12 months, the investment portfolio has returned 5.16% versus the bank bill index benchmark's 4.41%.

The NSW TCorp Medium Term Growth Fund (+0.73% actual) recorded a good gain aided by strong performance in the Australian and US share markets. Bond valuations within the fund also benefited from further indications of cooling inflation pressures and expectations that the RBA will start cutting rates in early 2025.

During September, Council had a \$1m 12-month NAB TD mature that had been yielding 5.35%pa. Council invested the \$1m proceeds into a new four month NAB TD yielding 5.00%pa. Given the recent decline in interest rates, term deposit offers of 5%pa or higher are becoming increasingly rare.

Council has a well-diversified portfolio invested predominantly among a range of term deposits from highly rated Australian banks. Council also has exposure to a wide range of asset classes, including senior ranked fixed and floating rate notes, listed property and international and domestic shares via the NSW TCorp Medium Term Growth Fund. It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection.

Council's Portfolio by Source of Funds – September 2024

As at 30 September 2024, Council's Investment Portfolio had a current market valuation of \$31,720,220 or principal value (face value) of \$31,444,414 and was compliant with policy and legislative requirements as per the table above.

	Source of Funds	Principal Amount
GENERAL Fund	Operating Capital & Internal Restrictions	\$15,244,074
	Royalties Reserve	\$622,957
	Domestic Waste Management Reserve	\$5,253,946
	Grants	\$10,323,437
	TOTAL PORTFOLIO	\$31,444,414

Certificate by Responsible Accounting Officer

All investments have been placed in accordance with Council's Investment Policy, Section 625 of the *Local Government Act 1993* (as amended), the Revised Ministerial Investment Order gazetted 11 February 2011, Clause 212 of the *Local Government (General) Regulations 2005-* and Third-Party Investment requirements of the then Department Local Government Circular 06-70. Council continues to obtain independent financial advice on its investment portfolio in accordance with the then Department of Local Government Circular of 16 September 2008.

Community Engagement:

Nil

Strategic Direction:

- Key Direction 4: Our Leadership
- Objective 4.1: Openness and Transparency in Decision Making
- Action 4.1.5 Support the organisation to operate within its legal framework

Relevant Legislation:

This report is provided for Council's consideration in compliance with the requirements of *Part 9, Division 5, Clause 212 of the Local Government (General) Regulations 2021*.

Financial Implications:

The recommendation has no financial impact.

Attachments

1. [↓](#) Investment Report For September 2024

SIMON BROWN
DIRECTOR FINANCE AND COMMERCIAL

JAY NANKIVELL
GENERAL MANAGER



Investment Summary Report
September 2024



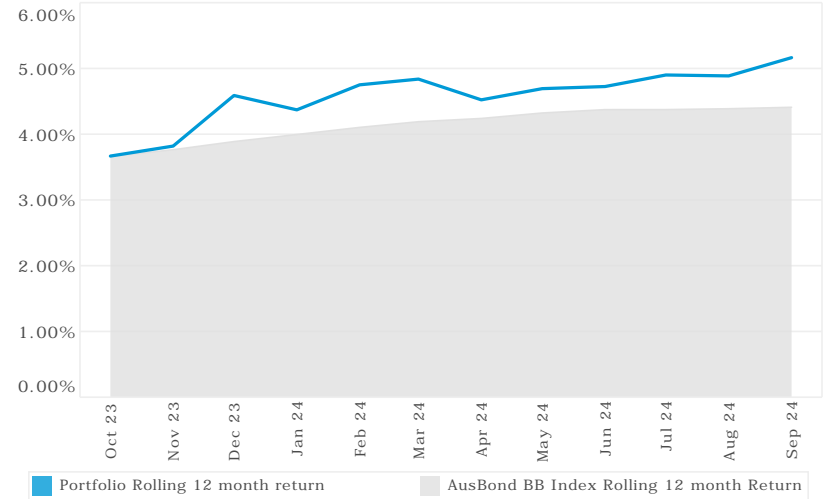
BROKEN HILL CITY COUNCIL
Executive Summary - September 2024



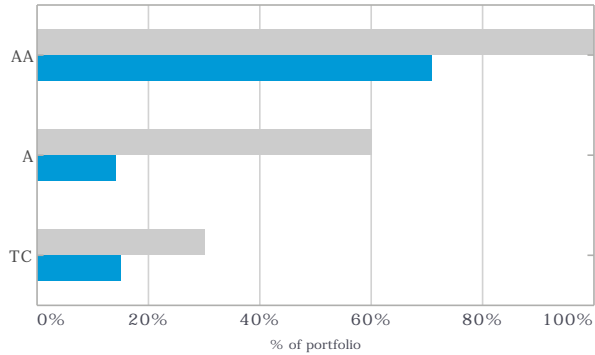
Investment Holdings

	Face Value (\$)	Current Value (\$)
Cash	11,726,356	11,726,356
Managed Funds	4,718,059	4,718,059
Term Deposit	15,000,000	15,275,805
	31,444,414	31,720,220

Investment Performance

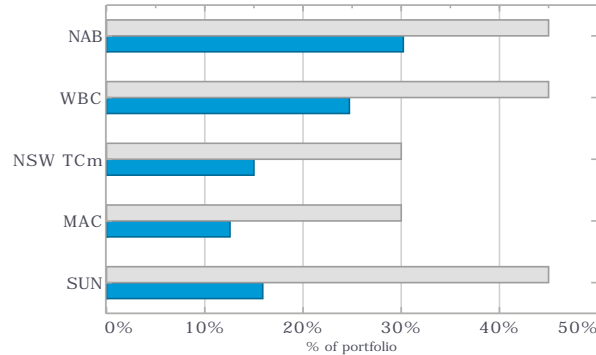


Total Credit Exposure



Investment Policy Compliance

Individual Institutional Exposures



Term to Maturities

	Face Value (\$)	Policy Max
Between 0 and 1 years	31,444,414	100% a
	31,444,414	
Specific Sub Limits		
Between 5 and 10 year:	0	0% 30% a

Portfolio Exposure Investment Policy Limit



BROKEN HILL CITY COUNCIL
Investment Holdings Report - September 2024



Cash Accounts

Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
1,715,097.81	0.0000%	Westpac Group	AA-	1,715,097.81	473409	Cheque
3,952,392.98	4.5383%	Macquarie Bank	A+	3,952,392.98	540354	Accelerator
6,058,865.00	5.3000%	Westpac Group	AA-	6,058,865.00	535442	90d Notice
11,726,355.79	4.2681%			11,726,355.79		

Managed Funds

Face Value (\$)	Monthly Return (%)	Institution	Credit Rating	Funds Name	Current Value (\$)	Deal No.	Reference
4,718,058.50	0.7292%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	4,718,058.50	536441	
4,718,058.50	0.7292%				4,718,058.50		

Term Deposits

Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
8-Oct-24	500,000.00	5.1000%	Bank of Queensland	A-	500,000.00	9-Apr-24	512,226.03	544996	12,226.03	At Maturity	
8-Oct-24	500,000.00	5.3000%	National Australia Bank	AA-	500,000.00	4-Oct-23	526,354.79	544558	26,354.79	At Maturity	
6-Nov-24	1,500,000.00	5.2000%	Suncorp Bank	AA-	1,500,000.00	6-Mar-24	1,544,663.01	544909	44,663.01	At Maturity	
26-Nov-24	1,000,000.00	4.9500%	Suncorp Bank	AA-	1,000,000.00	28-Aug-24	1,004,610.96	545405	4,610.96	At Maturity	
26-Nov-24	1,000,000.00	5.2500%	National Australia Bank	AA-	1,000,000.00	9-Jul-24	1,012,082.19	545236	12,082.19	At Maturity	
18-Dec-24	1,000,000.00	5.0800%	National Australia Bank	AA-	1,000,000.00	16-Apr-24	1,023,381.92	545013	23,381.92	At Maturity	
14-Jan-25	1,500,000.00	5.0500%	National Australia Bank	AA-	1,500,000.00	9-Apr-24	1,536,318.49	544998	36,318.49	At Maturity	
28-Jan-25	1,000,000.00	5.0000%	National Australia Bank	AA-	1,000,000.00	24-Sep-24	1,000,958.90	545509	958.90	At Maturity	
4-Feb-25	500,000.00	5.3300%	Suncorp Bank	AA-	500,000.00	25-Jun-24	507,155.34	545205	7,155.34	At Maturity	
11-Feb-25	500,000.00	5.3700%	National Australia Bank	AA-	500,000.00	9-Jul-24	506,179.18	545237	6,179.18	At Maturity	
18-Feb-25	500,000.00	5.3700%	National Australia Bank	AA-	500,000.00	9-Jul-24	506,179.18	545238	6,179.18	At Maturity	
25-Feb-25	500,000.00	5.1000%	National Australia Bank	AA-	500,000.00	23-Apr-24	511,247.95	545034	11,247.95	At Maturity	
25-Feb-25	1,000,000.00	5.0800%	Suncorp Bank	AA-	1,000,000.00	28-Aug-24	1,004,732.05	545406	4,732.05	At Maturity	
5-Mar-25	1,000,000.00	5.1600%	Suncorp Bank	AA-	1,000,000.00	6-Mar-24	1,029,546.30	544918	29,546.30	At Maturity	



BROKEN HILL CITY COUNCIL
Investment Holdings Report - September 2024



Maturity Date	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
18-Mar-25	500,000.00	5.0500%	National Australia Bank	AA-	500,000.00	20-Mar-24	513,489.73	544952	13,489.73	At Maturity	
25-Mar-25	500,000.00	5.4000%	National Australia Bank	AA-	500,000.00	9-Jul-24	506,213.70	545239	6,213.70	At Maturity	
8-Apr-25	500,000.00	5.2400%	National Australia Bank	AA-	500,000.00	14-May-24	510,049.32	545086	10,049.32	At Maturity	
22-Apr-25	500,000.00	5.4000%	National Australia Bank	AA-	500,000.00	1-Jul-24	506,805.48	545221	6,805.48	At Maturity	
29-Apr-25	1,000,000.00	5.4000%	National Australia Bank	AA-	1,000,000.00	1-Jul-24	1,013,610.96	545222	13,610.96	At Maturity	
	15,000,000.00	5.1750%			15,000,000.00		15,275,805.48		275,805.48		



BROKEN HILL CITY COUNCIL
Accrued Interest Report - September 2024



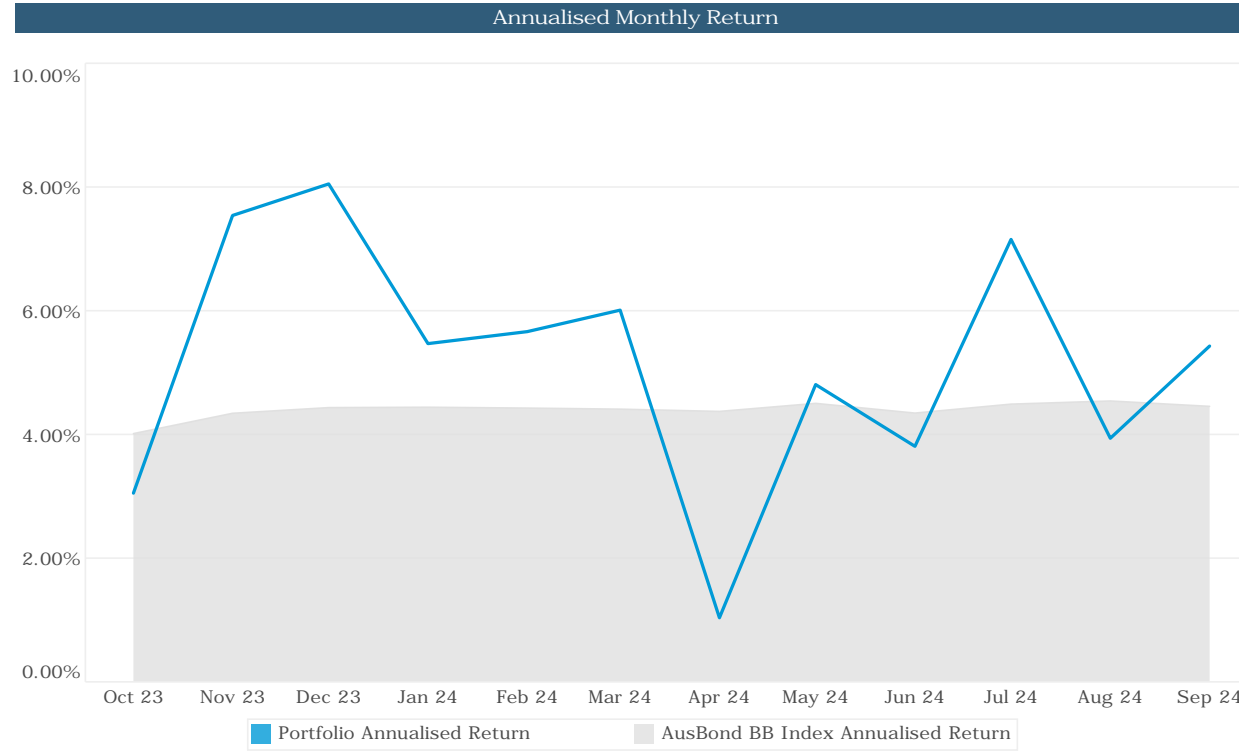
Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Yield (% pa)
Cash									
Macquarie Bank	540354					14,688.11	0	14,688.11	4.54%
Westpac Group	473409					0.00	0	0.00	0.00%
Westpac Group	535442					27,150.97	0	27,150.97	5.30%
						41,839.08		41,839.08	4.28%
Managed Funds									
NSW T-Corp Medium Term Growth Fund	536441				2-Jun-25	0.00	0	34,153.66	9.24%
						0.00		34,153.66	9.24%
Term Deposits									
National Australia Bank	544523		1,000,000.00	25-Sep-23	24-Sep-24	53,500.00	23	3,371.23	5.35%
Bank of Queensland	544996		500,000.00	9-Apr-24	8-Oct-24	0.00	30	2,095.89	5.10%
National Australia Bank	544558		500,000.00	4-Oct-23	8-Oct-24	0.00	30	2,178.08	5.30%
Suncorp Bank	544909		1,500,000.00	6-Mar-24	6-Nov-24	0.00	30	6,410.96	5.20%
National Australia Bank	545236		1,000,000.00	9-Jul-24	26-Nov-24	0.00	30	4,315.07	5.25%
Suncorp Bank	545405		1,000,000.00	28-Aug-24	26-Nov-24	0.00	30	4,068.49	4.95%
National Australia Bank	545013		1,000,000.00	16-Apr-24	18-Dec-24	0.00	30	4,175.34	5.08%
National Australia Bank	544998		1,500,000.00	9-Apr-24	14-Jan-25	0.00	30	6,226.02	5.05%
National Australia Bank	545509		1,000,000.00	24-Sep-24	28-Jan-25	0.00	7	958.90	5.00%
Suncorp Bank	545205		500,000.00	25-Jun-24	4-Feb-25	0.00	30	2,190.41	5.33%
National Australia Bank	545237		500,000.00	9-Jul-24	11-Feb-25	0.00	30	2,206.85	5.37%
National Australia Bank	545238		500,000.00	9-Jul-24	18-Feb-25	0.00	30	2,206.85	5.37%
National Australia Bank	545034		500,000.00	23-Apr-24	25-Feb-25	0.00	30	2,095.90	5.10%
Suncorp Bank	545406		1,000,000.00	28-Aug-24	25-Feb-25	0.00	30	4,175.34	5.08%
Suncorp Bank	544918		1,000,000.00	6-Mar-24	5-Mar-25	0.00	30	4,241.09	5.16%
National Australia Bank	544952		500,000.00	20-Mar-24	18-Mar-25	0.00	30	2,075.35	5.05%
National Australia Bank	545239		500,000.00	9-Jul-24	25-Mar-25	0.00	30	2,219.18	5.40%
National Australia Bank	545086		500,000.00	14-May-24	8-Apr-25	0.00	30	2,153.43	5.24%



BROKEN HILL CITY COUNCIL
Accrued Interest Report - September 2024



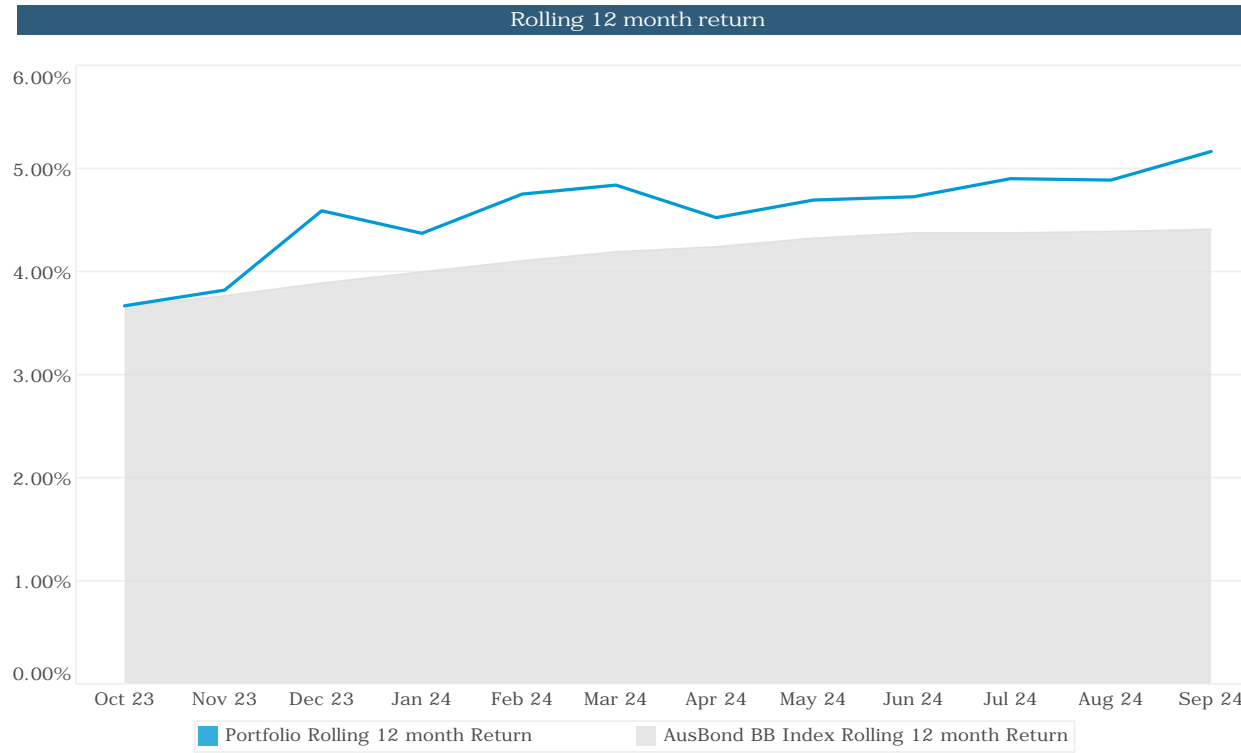
Investment	Deal No.	Comments	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Yield (% pa)
National Australia Bank	545221		500,000.00	1-Jul-24	22-Apr-25	0.00	30	2,219.18	5.40%
National Australia Bank	545222		1,000,000.00	1-Jul-24	29-Apr-25	0.00	30	4,438.36	5.40%
						53,500.00		64,021.92	5.19%
<u>Grand Totals</u>						<u>95,339.08</u>		<u>140,014.66</u>	<u>5.43%</u>



Historical Performance Summary (% pa)			
	Portfolio	Annualised BB Index	Outperformance
Sep 2024	5.43%	4.45%	0.98%
Last 3 months	5.50%	4.50%	1.00%
Last 6 months	4.36%	4.45%	-0.09%
Financial Year to Date	5.50%	4.50%	1.00%
Last 12 months	5.16%	4.41%	0.75%



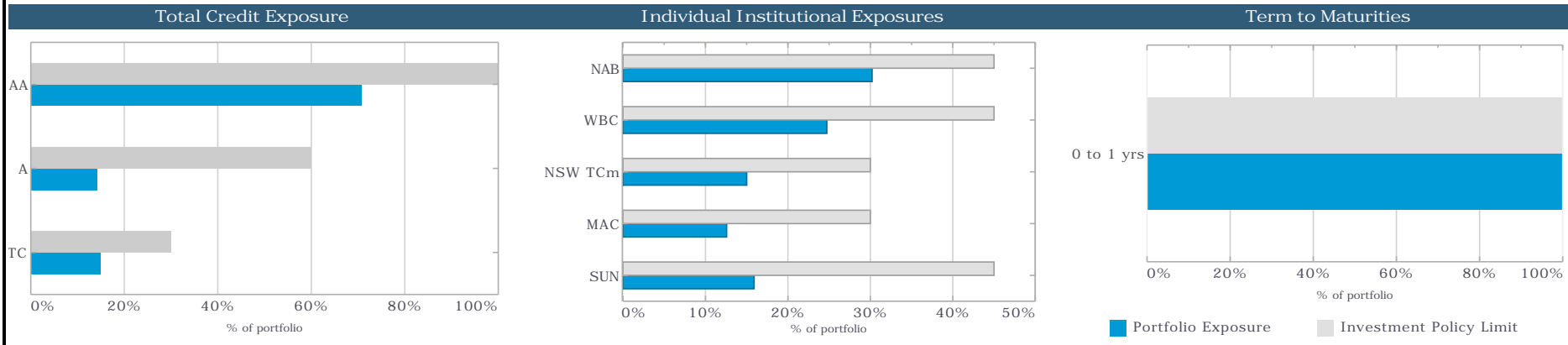
BROKEN HILL CITY COUNCIL
Investment Performance Report - September 2024



Historical Performance Summary (% actual)			
	Portfolio	Annualised BB Index	Outperformance
Sep 2024	0.44%	0.36%	0.08%
Last 3 months	1.36%	1.11%	0.25%
Last 6 months	2.16%	2.21%	-0.05%
Financial Year to Date	1.36%	1.11%	0.25%
Last 12 months	5.16%	4.41%	0.75%



BROKEN HILL CITY COUNCIL
Investment Policy Compliance Report - September 2024



Credit Rating Group	Face Value (\$)	Policy Max
AA	22,273,963	71% 100% a
A	4,452,393	14% 60% a
TC	4,718,059	15% 30% a
	31,444,414	

Institution	% of portfolio	Investment Policy Limit
National Australia Bank (AA-)	30%	45% a
Westpac Group (AA-)	25%	45% a
NSW T-Corp (TCm)	15%	30% a
Macquarie Bank (A+)	13%	30% a
Suncorp Bank (AA-)	16%	45% a
Bank of Queensland (A-)	2%	20% a

Term	Face Value (\$)	Policy Max
Between 0 and 1 years	31,444,414	100% 100% a
	31,444,414	

Specific Sub Limits	Face Value (\$)	Policy Max
A-	500,000	2% 40% a

Specific Sub Limits	Face Value (\$)	Policy Max
Between 5 and 10 years	0	0% 30% a

Credit Rating	Current Longest Maturity (years)	Policy Max
AA+, AA, AA-	0.58	5.00 a
A+, A, A-	0.02	3.00 a

a = compliant
r = non-compliant

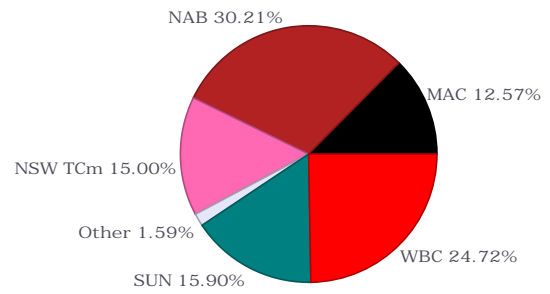
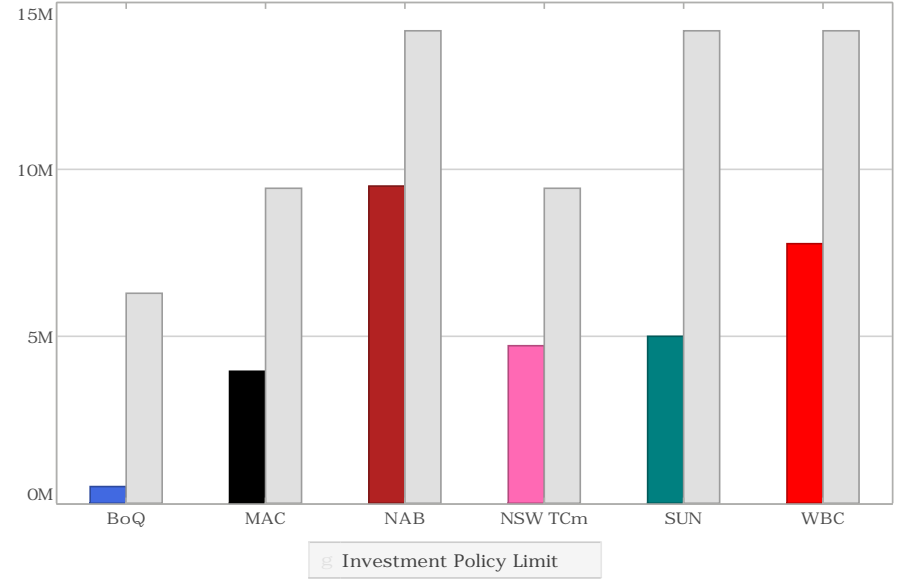


BROKEN HILL CITY COUNCIL
Individual Institutional Exposures Report - September 2024



Individual Institutional Exposures Individual Institutional Exposure Charts

	Current Exposures		Policy Limit		Capacity
Bank of Queensland (A-)	500,000	2%	6,288,883	20%	5,788,883
Macquarie Bank (A+)	3,952,393	13%	9,433,324	30%	5,480,931
National Australia Bank (AA-)	9,500,000	30%	14,149,986	45%	4,649,986
NSW T-Corp (TCm)	4,718,059	15%	9,433,324	30%	4,715,266
Suncorp Bank (AA-)	5,000,000	16%	14,149,986	45%	9,149,986
Westpac Group (AA-)	7,773,963	25%	14,149,986	45%	6,376,023
	31,444,414				



BROKEN HILL CITY COUNCIL
Cashflows Report - September 2024



Actual Cashflows for September 2024

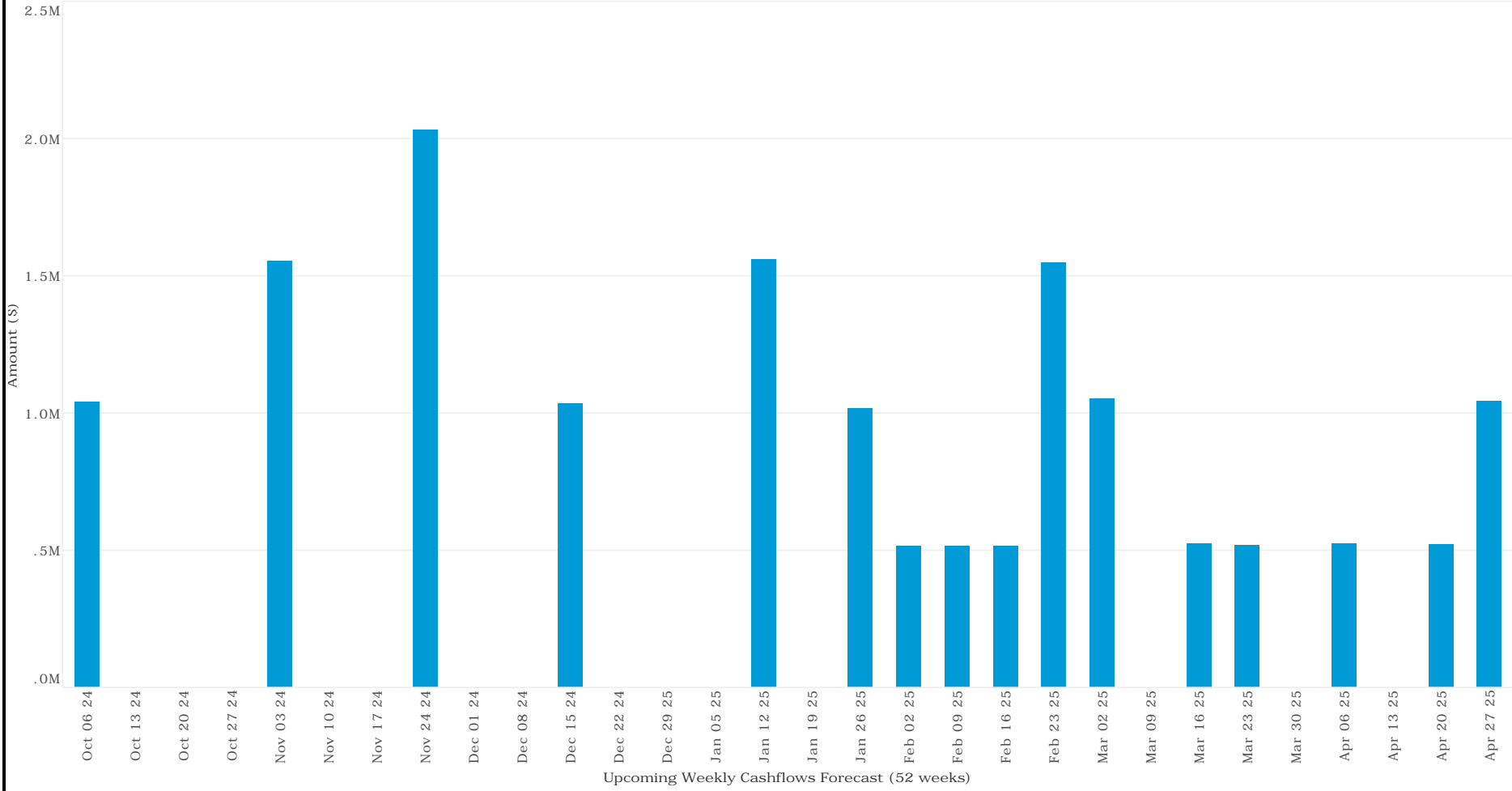
Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
24-Sep-24	544523	National Australia Bank	Term Deposit	Maturity: Face Value	1,000,000.00
		National Australia Bank	Term Deposit	Maturity: Interest Received/Paid	53,500.00
<u>Deal Total</u>					<u>1,053,500.00</u>
24-Sep-24	545509	National Australia Bank	Term Deposit	Settlement: Face Value	-1,000,000.00
		<u>Deal Total</u>			
Day Total					53,500.00
<u>Total for Month</u>					<u>53,500.00</u>

Forecast Cashflows for October 2024

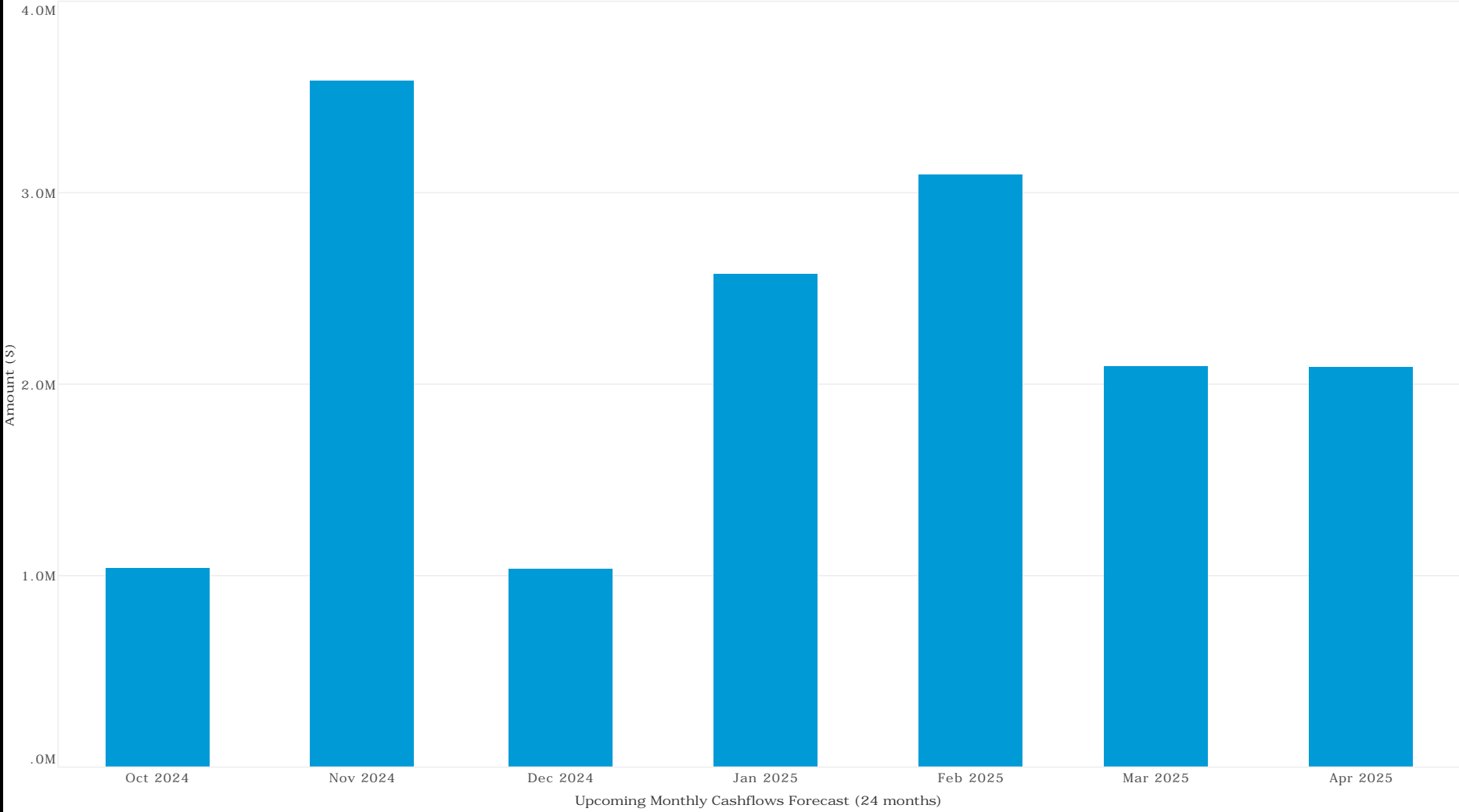
Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Amount
8-Oct-24	544558	National Australia Bank	Term Deposit	Maturity: Face Value	500,000.00
		National Australia Bank	Term Deposit	Maturity: Interest Received/Paid	26,863.01
<u>Deal Total</u>					<u>526,863.01</u>
8-Oct-24	544996	Bank of Queensland	Term Deposit	Maturity: Face Value	500,000.00
		Bank of Queensland	Term Deposit	Maturity: Interest Received/Paid	12,715.07
<u>Deal Total</u>					<u>512,715.07</u>
Day Total					1,039,578.08
<u>Total for Month</u>					<u>1,039,578.08</u>



BROKEN HILL CITY COUNCIL
Cashflows Report - September 2024



BROKEN HILL CITY COUNCIL
Cashflows Report - September 2024



ORDINARY MEETING OF THE COUNCIL

October 23, 2024

ITEM 17BROKEN HILL CITY COUNCIL REPORT NO. 164/24

SUBJECT: PROPOSED EXPANSION OF PLAYTIME PRESCHOOL AND
RELOCATION OF CWA TO ALMA INSTITUTE D24/51148

Recommendation

1. That Broken Hill City Council Report No. 164/24 dated October 23, 2024, be received.
2. That Council approve, for the purposes of public exhibition, the granting of a 12-month license for the Alma Institute to the Broken Hill CWA with the view to obtaining ministerial consent for a longer-term lease.
3. That the proposed license of the Alma institute be placed on public exhibition for a period of 28 days for public comment.
4. That Council approve Playtime Preschool occupying the whole of the Fred Jobson Community Centre site
5. That the General Manager be authorised to negotiate Lease arrangements with Playtime Preschool.

Executive Summary:

Playtime preschool was established in 1952 and currently operates 29 places per day, 5 days a week accommodating 63 children weekly. Playtime currently has a waitlist of over 100 children aged 0-5 with approximately 17% of the children being indigenous. Playtime preschool keeps daily fees low, averaging \$15 depending on the family's circumstances providing essential affordable childcare.

Playtime Preschool has applied for and are hopeful of securing grant funding of \$1,700,000 to renovate and upgrade the existing preschool and also utilising space within the building currently occupied by the CWA.

Council has proposed that the CWA relocate to the Alma Institute to allow for this expansion of childcare. The proposed relocation of the CWA to the Alma institute has been discussed with their members with a site visit of the Alma institute having taken place. The CWA are supportive of Playtimes expansion and have agreed to the proposed relocation.

Report:

Playtime preschool was established in 1952 and currently operates 29 places per day, 5 days a week accommodating 63 children weekly. Playtime currently has a waitlist of over 100 children aged 0-5 with approximately 17% of the children being indigenous. Playtime

preschool keeps daily fees low, averaging \$15 depending on the family's circumstances providing essential affordable childcare.

The proposed expansion of Playtime Preschool would add 40 placements per day and an additional 12 staff roles. Childcare is in high demand in the city and is a critical component of enhancing the city's livability and attraction of workers to the city.

During consultation sessions for Council's Asset Optimisation Project, it was identified that Playtime preschool would like to expand operations if they were able to occupy the whole of the Fred Jobson Community Centre. The current grant funding opportunities come at an ideal time, and it is hopeful that the application is successful. Regardless of the grant funding outcome, the ability for Playtime to occupy the entirety of the Centre will assist the expansion of the preschool and lead to more placements being available for Broken Hill Children.

Fred Jobson Community Centre and Alma Institute Site



The Broken Hill Branch of the CWA is supportive of the expansion of Playtime preschool and have agreed to the relocation to the Alma Institute building.

The Alma Institute consists of 5 separate rooms and a verandah facing Patton street. The building is currently being utilised for storage while the new Library is being constructed, as such the relocation of the CWA to the Alma institute will be timed to fit in with that project. The finishes, fittings and services of the building are currently in poor condition and require refurbishment including kitchen facilities and toilets to bring up to current standards to be fit for purpose. These upgrades would be funded by Council with grant funding sought where possible. Budget for these upgrades will be sought through Councils Budget processes.

Community Engagement:

N/A

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

Local Government Act 1993

Crown Land Management Act 2016

Financial Implications:

Crown Lands License fee of \$618

The Alma Institute building requires refurbishment to be suitable for use by the CWA. Budget to be sought through Councils established budget and budget review processes once costs are known.

Attachments

There are no attachments for this report

SIMON BROWN

DIRECTOR FINANCE AND COMMERCIAL

JAY NANKIVELL

GENERAL MANAGER

People may typically stay on the site for up to six months while also receiving assistance from related Salvation Army services which may include social / mental health services, financial counselling, as well as assistance in obtaining permanent accommodation.

A crucial element of this service is that people will not leave the site without permanent accommodation having been located.

The applicant feels that the site is particularly well suited to the proposed use, not only in terms of the particular size and layout, but also for its location within a residential setting.

Office hours for the facility will be Monday to Friday between 9am and 6pm, with five staff on site during this time to facilitate the above-mentioned services. There will also be an 'on call' number provided to residents who may require assistance outside these hours.

SITE LOCATION:



79 Wyman Street and 80 Cummins Lane

SITE PLAN (PROPOSED DEVELOPMENT LAYOUT):

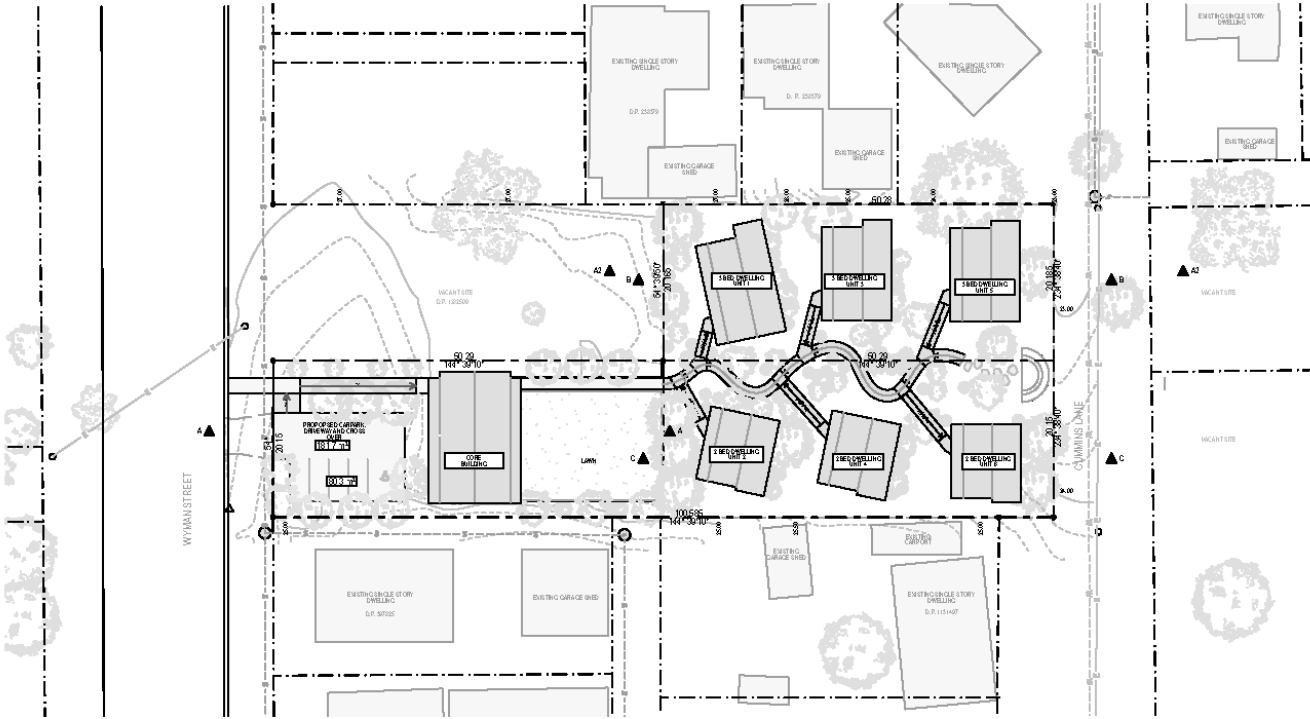
RP DATA: Lot 70 & 80 on DP1282509
 SUB URB: BROKEN HILL
 LOCAL AUTHORITY: BROKEN HILL CITY COUNCIL
 SITE COVER: 26.6 %
 SITE AREA: 3041 m²
 TOTAL SITE COVER: 809 m²
 SITE COVER: 26.6 %

EXISTING SITE PLAN LEGEND

- COMMUNICATIONS PIT
- WATER METER
- BENCH MARK
- POWER POLE
- TELSTRA LINE
- EXISTING TREE TO REMAIN
- SEWER MAINS
- OVERHEAD POWER LINES
- WATERMAIN

NOTES

1. Site information based on **Graham F. Howe** Detail Survey C144-20 based 28-02-2024. All levels and site features to be confirmed on site prior to construction. Notify Architect of any discrepancies.
2. Positions of all underground services to be confirmed on site prior to excavation.
3. For a more detailed view of the landscape, please review the landscape plan drawings provided by Piradium Studio.

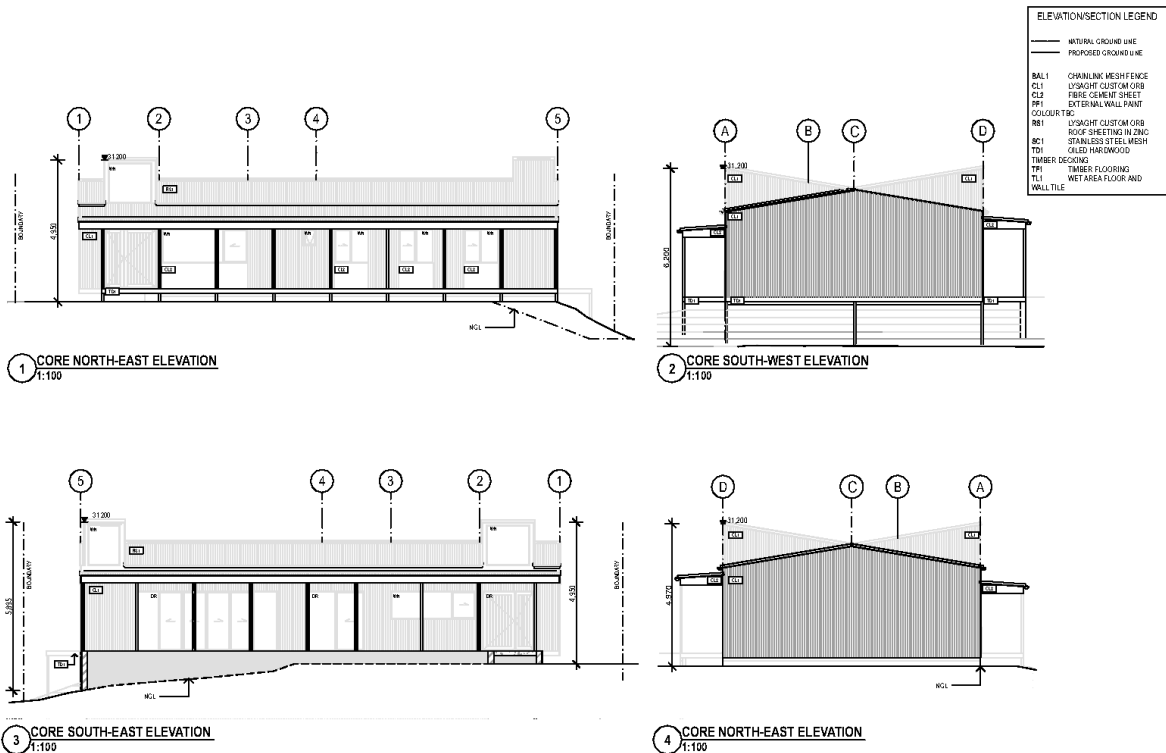


1 CONTEXT PLAN
1:500

SITE FEATURE AND SERVICES PLAN:

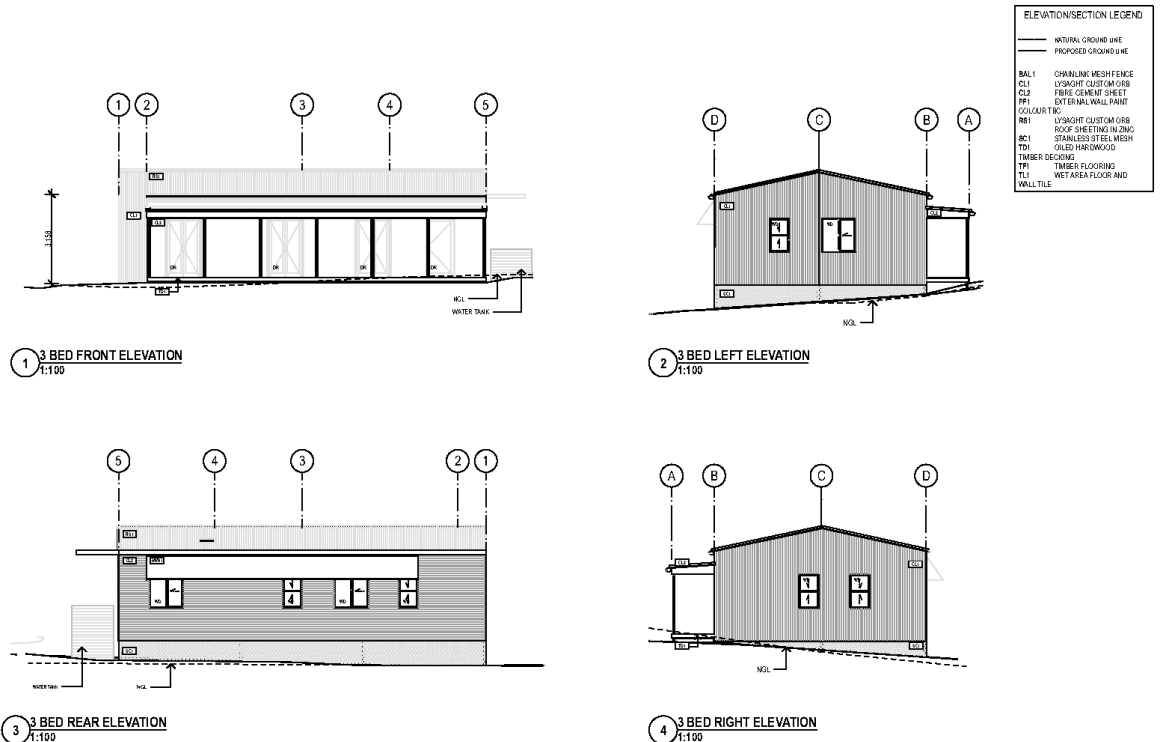


BUILDING ELEVATIONS:



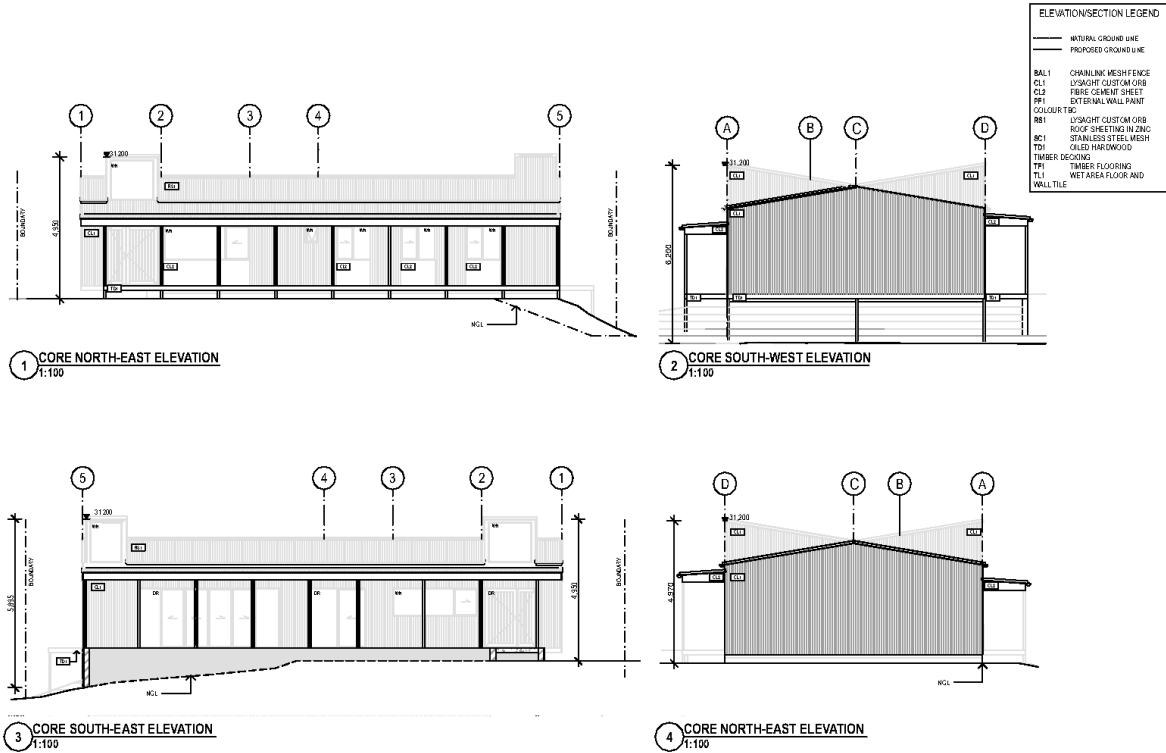
	Broken Hill Housing Project 79-81 Wynnah Street Broken Hill NSW 2880 Australia E: info@brokenhill.com.au	REV	BY	DESCRIPTION	DATE	PROJECT 2402	DRAWING CORE ELEVATIONS - LHA PLATINUM	SCALE	1:100 B/L	DRAWING NO.	ISSUE
		1	1	DATE	17/06/24			3000	A		

PH 07 5108 0842 E: info@brokenhill.com.au Level 1, 11/21 Mick Street, Carole Park Q 4500 NOT FOR CONSTRUCTION

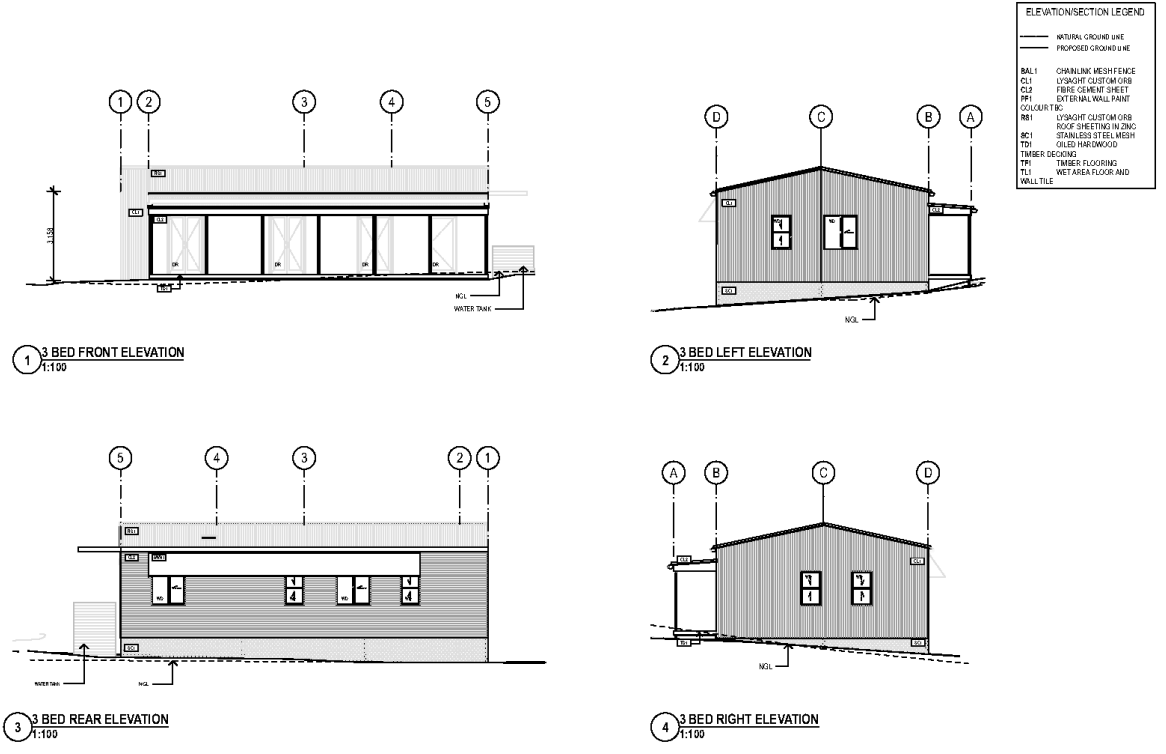


	Broken Hill Housing Project 79-81 Wynnah Street Broken Hill NSW 2880 Australia E: info@brokenhill.com.au	REV	BY	DESCRIPTION	DATE	PROJECT 2402	DRAWING 3 BED ELEVATIONS - LHA SILVER	SCALE	1:100 B/L	DRAWING NO.	ISSUE
		1	1	DATE	17/06/24			3002	A		

PH 07 5108 0842 E: info@brokenhill.com.au Level 1, 11/21 Mick Street, Carole Park Q 4500 NOT FOR CONSTRUCTION



	Broken Hill Housing Project 79-81 Wyman Street Broken Hill NSW 2890 Australia E: info@borkmodular.com.au	REV	BY	DESCRIPTION	DATE	PROJECT 2402	DRAWING CORE ELEVATIONS - LHA PLATINUM	SCALE	1:100 (ELEV)	DRAWING NO.	ISSUE
		1	AK	Issue	17/06/2024			3000	A		
PH 07 5108 0642		Level 1, 17121 Mica Street, Carole Park Q 4500				NOT FOR CONSTRUCTION		DATE PLOTTED: 17/06/2024		ISSUE: A	



	Broken Hill Housing Project 79-81 Wyman Street Broken Hill NSW 2890 Australia E: info@borkmodular.com.au	REV	BY	DESCRIPTION	DATE	PROJECT 2402	DRAWING 3 BED ELEVATIONS - LHA SILVER	SCALE	1:100 (ELEV)	DRAWING NO.	ISSUE
		1	AK	Issue	17/06/2024			3002	A		
PH 07 5108 0642		Level 1, 17121 Mica Street, Carole Park Q 4500				NOT FOR CONSTRUCTION		DATE PLOTTED: 17/06/2024		ISSUE: A	

ELEVATION/SECTION LEGEND

— NATURAL GROUND LINE
 - - - PROPOSED GROUND LINE

BAL1 CHARLANK MESH FENCE
 CL1 UP/SIGHT CUSTOM ORB
 CL2 FIBRE CEMENT SHEET
 PFI EXTERNAL WALL PAINT
 COLOUR T10
 RB1 UP/SIGHT CUSTOM ORB
 ROOF SHEETING IN ZINC
 STAINLESS STEEL MESH
 TD1 OILED HARDWOOD
 TDR TIMBER DECKING
 TFI TIMBER FLOORING
 TLL WET AREA FLOOR AND
 WALL TILE

1 3 BED ACCESSIBLE FRONT ELEVATION
1:100

2 3 BED ACCESSIBLE LEFT ELEVATION
1:100

3 3 BED ACCESSIBLE REAR ELEVATION
1:100

4 3 BED ACCESSIBLE RIGHT ELEVATION
1:100

blok	Broken Hill Housing Project 73-81 Wyman Street Broken Hill NSW 2880 Australia <small>Ph 07 3168 0642 E info@blokmodular.com.au</small>	REV	BY	DESCRIPTION	DATE	PROJECT	DRAWING	SCALE	DRAWING NO.	REVISION	
		1	AK	Issue	2024	2402	3 BED ELEVATIONS - LHA PLATINUM	1:100 (A)	3001	A	
<small>Level 1, 11/21 Mick Street, Carole Park Q 4500</small>						<small>NOT FOR CONSTRUCTION</small>					

ELEVATION/SECTION LEGEND

— NATURAL GROUND LINE
 - - - PROPOSED GROUND LINE

BAL1 CHARLANK MESH FENCE
 CL1 UP/SIGHT CUSTOM ORB
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 ROOF SHEETING IN ZINC
 STAINLESS STEEL MESH
 TD1 OILED HARDWOOD
 TDR TIMBER DECKING
 TFI TIMBER FLOORING
 TLL WET AREA FLOOR AND
 WALL TILE

1 2 BED FRONT ELEVATION
1:100

2 2 BED LEFT ELEVATION
1:100

3 2 BED REAR ELEVATION
1:100

4 2 BED RIGHT ELEVATION
1:100

blok	Broken Hill Housing Project 73-81 Wyman Street Broken Hill NSW 2880 Australia <small>Ph 07 3168 0642 E info@blokmodular.com.au</small>	REV	BY	DESCRIPTION	DATE	PROJECT	DRAWING	SCALE	DRAWING NO.	REVISION	
		1	AK	Issue	2024	2402	2 BED ELEVATIONS - LHA SILVER	1:100 (A)	3003	A	
<small>Level 1, 11/21 Mick Street, Carole Park Q 4500</small>						<small>NOT FOR CONSTRUCTION</small>					

ASSESSMENT:

All Development Applications are required to be assessed by Council in accordance with the provisions of section 4.15 of the *Environmental Planning and Assessment Act 1979*.

CONSIDERATIONS UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979:**Section 4.15(a) (i) The provisions of any environmental planning instrument
Broken Hill Local Environmental Plan 2013 (LEP)**Aims of the Plan

The aims of the LEP are:

- (a) to encourage sustainable economic growth and development in Broken Hill,
- (b) to encourage and provide opportunities for local employment growth, and the retention of the population, in Broken Hill,
- (c) to encourage the retention of mining and acknowledge that industry's heritage and regional significance,
- (d) to identify, protect, conserve and enhance Broken Hill's natural assets,
- (e) to identify and protect Broken Hill's built and nationally significant cultural heritage assets for future generations,
- (f) to provide for a range of housing types and living opportunities,
- (g) to allow for the equitable provision of services and facilities for the community,
- (h) to provide for future tourist and visitor accommodation in a sustainable manner that is compatible with, and will not compromise, the natural resource and heritage values of the surrounding area.

The aims or objectives of the plan are not compromised by the proposed development.

Zone Objectives

The subject site is zoned R1 – General Residential.

The objectives of the zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposal is consistent with the objectives of the zone.

The proposed development as a 'Group Home' is permissible in this zone.

The proposed development is properly characterised as a "group home (transitional) or transitional group home", which is defined as:

A dwelling that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women, or young people, but does not include development to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5 applies.

The defined term “group home (transitional) or transitional group home” comes in under the parent definition within the LEP of a “group home” which can be either a permanent group home or a transitional group home.

The proposal is intended to provide “temporary accommodation comprising refuges for men, women or young people”. Accordingly, this definition appropriately reflects the stipulations within the definition.

Relevant LEP Clauses

Clause 6.1 – Earthworks

Council is satisfied that the proposal does not have any major earthworks due to all buildings being constructed on raised piers rather than traditional slab on ground construction. The statement of environmental effects also notes that the design will divert upstream flows through the site, making exit at the Cummins Lane frontage, therefore mitigating any drainage impacts. The site will require minimal fill to be imported to the site, preliminary site investigations performed by Barnson showed high levels of heavy metals in previously cleared soil on the land and recommends this be removed prior to works commencing.

Clause 6.2 - Essential Services

All necessary essential services are available within the area.

Council is satisfied that the following services that are essential for the development are available or that adequate arrangements can be made to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.

Far West Regional Plan

The Plan contains a series of directions intended to guide the design of land use planning priorities and decisions in the Far West of NSW, over the next 20 years.

Attention is drawn to Direction 28 within the Plan: “Deliver greater opportunities for affordable housing Providing housing that meets the needs of residents on a range of incomes can address housing affordability and social housing issues and help reduce social disadvantage”.

Whilst this accommodation is not specifically classed as “affordable housing”, it does provide housing to those in need.

The development proposal is consistent with the Far West Regional Plan.

Relevant State Environmental Planning Policy**State Environmental Planning Policy (Resilience and Hazards) 2021****Chapter 4 – Remediation of Land**

The Salvation Army NSW Property Trust engaged specialist consultants, Barnson Pty Ltd to undertake a preliminary site investigation (PSI) of the subject site and determine the suitability of the site for the proposed development.

The objective of these investigations was to identify ‘potentially contaminating activities’ (PCA’s) which may impact the suitability of the land for accommodating a Transitional Group Home.

This investigation revealed that the surface soil stockpiles contained elevated concentrations of heavy metals. The concentrations of all other potential contaminants investigated were found to be below health-risk based criteria suited for the evaluation of contamination in a residential land use scenario.

It was recommended in the Barnson report, that these stockpiles and demolition waste are removed from the site and disposed of appropriately prior to construction commencement. The recommendations and content outlined in Barnson report can be approved by way as a condition imposed on the development consent, should approval be granted.

Based on the findings of the site investigation, Council assessment staff agree that it can be stated with a reasonable level of confidence that the contaminants detected at the subject site poses no significant risk to the health of humans and the site is considered suitable for the proposed development and land use.

Section 4.15 (a) (ii) Any proposed Environmental Planning Instruments

Not Applicable.

Section 4.15 (a) (iii) Any Development Control Plan (DCP)**Broken Hill Development Control Plan 2016****Chapter 3 – Building****3.1 – General Provisions**

Two key provisions within this chapter of Councils Development Control Plan 2016 (DCP) that relate to this application are:

- New development and associated works must not adversely affect the level of floodwaters on adjoining properties.
- Where new development will result in an increase in impervious site coverage, on-site stormwater detention structures/techniques must be provided to limit the post-development peak discharge rate of stormwater from the site (including roof and ground surface runoff) to the predevelopment peak flow rate during both the 5 year and 100-year ARI events.

The development has been designed to comply and Council’s engineer has commented that the proposal has complied with these provisions.

3.2 - Development In Residential Zones

Key provisions with the 'Development in Residential Zones' section of Council's DCP that relate to this application are:

- New buildings should be designed to create a well-proportioned building form. Buildings, particularly when viewed from the street, should be compatible with the character of neighbouring buildings.
- Use screens, planting and walls, to maintain visual privacy of dwellings and neighbours and to reduce noise. To maintain privacy avoid placing new windows opposite the windows of existing buildings. The effective location of windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass. Balconies and first floor windows of living rooms should not overlook neighbouring living areas, courtyard areas and swimming pools. (see sketches under privacy in dual occupancies section of this DCP).

The proposal satisfactorily complies with this section. Landscaping will be provided to assist with privacy and screening for both residents and neighbours.

Chapter 4 - Car parking

Council's DCP does not contain specific requirements regarding this type of development, and therefore the carparking provision is to be considered on the individual merits of this case.

The design includes 5 parking spaces including a disability space. The applicant has stated this is in line with similar facilities located around NSW. It is unlikely residents will have need for parking spaces due to the circumstances of their need to use the facility.

The parking is therefore proposed to accommodate staff vehicles. The parking as provided is deemed to be adequate.

Chapter 6 - Land Contamination

The applicant has completed a contamination assessment via Barnson which was lodged with this application. The proposal complies with all contamination controls within Council's DCP.

Chapter 7 – Trees

The applicant has provided a landscape plan with the application. The proposal does not intend to remove any trees from the site and all vegetation selections comply with Council's preferred species list within the DCP.

The site is proposed to be landscaped with a range of native vegetation, consisting of shrubs, ground cover and small trees.

Chapter 8 – Heritage Conservation

The proposed development is not within a Heritage Conservation area, nor is it a Heritage Item. Therefore, there are no controls within this section of Council's DCP that apply.

The proposal complies with all relevant requirements of Broken Hill Development Control Plan.

Section 4.15 (a) (iv) Any Matters Prescribed by the Regulations

Not applicable.

Section 4.15 (a) (v) Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

Not applicable.

Section 4.15(b) The likely impacts of the development and the environmental impacts on both the natural and built environments and social and economic impacts in the locality.Social and Economic impact

The applicant has advised that the main driver of the development is to address the issue of homelessness in the community, and to provide assistance to those who for any number of reasons find themselves in that state.

Such an endeavour is considered to be a positive social outcome. The services offered to clients are aimed at ensuring they do not become homeless again, which in turn represents an economic benefit, as people who have the security of their own home fundamentally are much more likely and able to contribute to society once their immediate situation has been addressed.

The development aims to provide a vital service to the community for those in crisis, giving them access to accommodation and counselling (social/mental health/financial), with a view to aid families in obtaining permanent accommodation.

Access, Transport and Traffic

The proposed development will feature ingress and egress from Wyman Street and does not pose any unacceptable risk to additionally increase the traffic levels within the area more than to adequately cater for the service.

The applicant, who manages many similar proposals in other locations, states that it is unlikely clients of this services will have vehicles due to their situation and requirement to use the service. It is considered that staff parking of 5 proposed parking spaces will be adequate for the development.

Natural hazards

There are no known natural hazards affecting the site that would prohibit the development.

Section 4.15(c) Suitability of the site for the development

The site is not subject to any natural hazards such as bushfire risk, mine subsidence etc.

Utility services are available to the site and able to be upgraded if required. Any service alterations will be subject to the requirements of the local utility service providers.

The site does not contain any easements or restrictions.

Surrounding Land uses/Development

The proposal is not inconsistent with the surrounding land use and the site is suitable for the proposed development.

Bushfire

The site is not dedicated as being within a Bushfire prone area.

Section 4.15(d) Any submissions made in accordance with the Act or Regulations

The application was notified to neighbours within a 100 metre radius of the site. As a result, 2 submissions were received.

The issues raised in the objections have been summarised below:

Issue	Objection Comment	Assessment Comment
Fencing	The height of the boundary fencing will need to increase to provide privacy onto our property as the Administration building will be elevated above our current fence level.	The developer has agreed to construct a new 1.8 m high Colourbond fence around the perimeter of the site. It can be a condition of consent that any costs associated with any work carried out as a result of the development (including this fencing), will be borne by the developer.
Stormwater	The proposed drainage on the site from the carpark, following the fence line adjoining number 77 down to the laneway at the rear of 77 shows as 100mm pipe. This is vastly insufficient to take the amount of water in the instance of flash flooding.	The Civil Designs prepared by ADP Consulting Engineers detail proposed stormwater arrangements, which incorporate provision for the diversion of water from upstream sites through the site in swales and pipes, along with onsite detention and bioretention to ensure the required level of water quality. The stormwater drainage system is designed in accordance with AS3500.3. Council's Engineer has reviewed the design and proposed methods of stormwater management and has advised that the stormwater management proposed and design is appropriate. Should approval of the development application be granted, it will be granted conditional upon works being in

Issue	Objection Comment	Assessment Comment
		accordance with the civil design plans.
Density	<p>Objecting to such a development in the street based on that it is not in keeping with the rest of neighbourhood and will cause a considerable impact on the existing residents in the street.</p> <p>The dwellings are high density and could house up to 30 people, despite being told it will be only 15 people. This will considerably increase the amount of people living in a small space and impact noise and enjoyment of the surrounding properties.</p>	<p>It is noted that the zoning of the land allows for a variety of residential type developments.</p> <p>Broken Hill Local Environmental Plan 2013 does not include provisions relating to height restrictions and also does not include provisions relating to floor space ratio, or site coverage.</p> <p>This subject site area is 3041 sq metres in size. The site coverage is 26% of the site.</p>
Security	<p>Feel that the development will ruin the character of the street and increase foot traffic and noise not to mention we have security concerns about people wanting to access the facility after hours to visit residents of the facility when the administration building is not manned.</p> <p>How will things be handled if there is an incident “after hours” (ie outside of the 9am – 6pm office hours).</p> <p>Insufficient provisions have been made in the development application to consider emergency situations and how existing residents of the street are to handle this.</p>	<p>The centre will have CCTV cameras in locations inside and outside the buildings and surrounding grounds of the property.</p> <p>The applicant responded to these concerns by advising:</p> <p><i>The proposed development will have staff who are on-call outside of office hours. These staff will handle any incidents which may occur, either directly, or in conjunction with Police – as any other property would do. In addition, the site will be fully secured, with swipe card access only, and CCTV cameras installed throughout.</i></p> <p><i>Owing to the nature of the use, it is not anticipated that significant occurrences would occur between the residents.</i></p> <p>Council must be mindful of not making “assumptions” about the residents and visitors to the site.</p> <p>As with any property, behavioral issues can be handled by the local Police. The difference with this property compared to many other properties is that there are proposed provisions such as CCTV, staff onsite albeit daytime</p>

Issue	Objection Comment	Assessment Comment
		<p>hours (but with after hours call ins) and so on. There is also a Plan of Management for the operation of the site.</p> <p>Nearby neighbours are to be provided with contact details for the centre for during office hours, as well as for outside of these hours.</p> <p>The applicant further provided:</p> <p><i>“we can confirm that the premises are not intended as a transitional home for persons who have left prison, or from a drug rehab facility. As outlined in the DA, it will be specifically aimed at assisting those who have found themselves without safe accommodation, and will provide temporary accommodation for them while more permanent arrangements are being made”.</i></p>
<p>Parking</p>	<p>Does the proposal provide adequate number of parking spaces?</p> <p>Overflow parking in the street hasn't been taken into consideration only to say that the people in the facility won't have cars. How about the people visiting them? Noise from street from people coming and going.</p>	<p>Council's DCP does not require a set number of spaces or parking ratio for this type of proposal.</p> <p>In cases where a DCP does not specify a set number of required spaces, it is common for Councils and planning assessments to consider similar developments elsewhere.</p> <p>The applicant noted <i>“The proposal seeks to provide a total of five parking spaces (including one disabled space). These spaces will typically be used by staff. It has been the experience of the Salvation Army in running many similar centres to this throughout the country, that this parking will be sufficient for the operation of the site”.</i></p> <p>It is noted that Wyman Street is a public street whereby visitors to any property can legally park. Noise or behavioural problems from any property are a Policing matter.</p>

Issue	Objection Comment	Assessment Comment
<p>BBQ/play areas</p>	<p>The BBQ and play areas do not have opening hours listed nor is there mention of if alcohol and drugs not being permitted on the premises.</p> <p>Objector hopes to see that there is a curfew that is enforced after 11pm on a weekends and 9pm during the week “to allow the rest of us in the neighbourhood who work during the week to have peace and quiet”.</p>	<p>The applicant has advised that the development site will be an alcohol-free zone.</p> <p>The Salvation Army advised that they have “<i>many properties throughout Australia, and one of the key aims is to be a good neighbour. Nearby neighbours will be provided with contact details for the centre for during office hours, as well as for outside of these hours. Staff will attend immediately to any complaints received</i>”.</p> <p><i>“It is intended that the playground area will typically be utilised during day light hours – as is the case for most residential properties. The BBQ area will be used for longer periods; however, this is typically a low noise social activity, similar to other residential properties. One of the functions of the property is to provide for social interaction of the residents, with the BBQ area and “social terrace” being important components of this. It should be noted that the BBQ area adjoins the eastern boundary of the site – adjoining 81 Wyman Street, which is a vacant site”.</i></p>
<p>Alternative locations</p>	<p>Is there another solution that could potentially be considered such as one of the many vacant pubs and other unused buildings in the town that are in good locations, have housing mostly already built with open/communal spaces?</p> <p>We do hope that council can consider other alternative options for what seems to be a development Broken Hill certainly needs, providing housing for people who are less fortunate. We feel strongly that this could be done more appropriately in other places as not to impact an already</p>	<p>The Salvation Army have advised that subject site was selected due to the particular site size, configuration, and the overall residential nature of the area. “<i>All of these factors contribute to the ability of the Salvation Army to provide the care needed to those who require it at any point in time</i>”.</p> <p>Neighbour concerns and request for consideration of alternative sites is an understandable one, however Council’s obligation when assessing a Development application is to consider the application as presented.</p>

Issue	Objection Comment	Assessment Comment
	established quiet street community.	
Loss of value	Concern over loss of value of neighbouring property	<p>Under the EPA Act, the question of loss of value to individual surrounding properties is not considered a valid town planning consideration.</p> <p>Gadens Lawyers note that <i>“the Environmental Planning and Assessment Act 1979 (the Act), requires consent authorities to take into consideration, when relevant, the ‘likely impacts’ including the ‘social and economic impacts in the locality’ of a proposed development, when making their determinations”</i>.</p> <p>They continue however, to note that “locality” does not include impact on one neighbour.</p> <p>Gadens state <i>“It is clear however that the reference to ‘the locality’ is broader than an economic impact on one adjoining neighbour, for example (Fabcot Pty Ltd v Hawkesbury City Council (1997) 93 LGERA 373). It will generally be a stretch to argue that a loss of value to a single neighbouring landowner is a proper matter for consideration. For example, at its simplest level, many neighbours argue that a new home next door to them will result in a loss of property value to them, and that is no doubt very often correct (for example, when it causes some view loss or loss of sunlight or additional privacy impacts). But the Courts typically refuse to consider such impacts, on the basis that some broader economic impacts are required ‘in the locality’”</i>.</p> <p>It is noted that the property is owned and operated by The Salvation Army who have multiple properties across Australia and are dedicated to being respectful neighbours, as</p>

Issue	Objection Comment	Assessment Comment
		well as operating a well maintained site.

Section 4.15 (e) Public interest

The proposed development satisfies relevant planning controls and is considered to be in the wider public interest.

The proposed development is considered to be entirely in the public interest, with the primary aim being to address the issue of homelessness within the community by providing temporary accommodation to those who are in greatest need.

The development application provides a development that is consistent with the zoning of the land and DCP 2016.

Conclusion:

A key point when determining any Development Application is that Council is considering a proposal within what is primarily a merit-based assessment system. Benefits of a development must be weighed up against the negatives. Where there are negatives, consideration can be given to whether those negatives can be mitigated or managed through imposing conditions on a consent.

Based on the above assessment it is concluded that the proposed development does not result in impacts which are so unacceptable that it warrants the application being refused.

Recommendation:

Section 4.16 of the *Environmental Planning and Assessment Act 1979* sets out that Council is to determine a development application by:

- (a) granting consent to the application, either unconditionally or subject to conditions, or
- (b) refusing consent to the application.

Conditions of consent are able to be imposed under Section 4.17 of the *Environmental Planning and Assessment Act 1979*. The courts have determined that, for a condition to come within the relevant statutory power, it must meet the ‘Newbury Test’, which requires a condition to:

- Be imposed for a planning purpose.
- Fairly and reasonably relate to the development for which permission is being given.
- Be reasonable.

It is recommended that Development Application 2024/56 be approved, subject to conditions of consent (attached).

Community Engagement:

The application was notified to neighbours within a 100 metre radius of the site. As a result, 2 submissions were received. The concerns of neighbours are outlined in this report.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate within its legal framework

Relevant Legislation:

Environmental Planning and Assessment Act 1979

Financial Implications:

Request for waiver of Developer contribution payment:

Under Councils Section 7.12 Developer Contributions Plan, contributions are to be applied to all development on land to which the Plan applies. The Plan authorises Council to grant consent subject to a condition requiring the applicant to pay to the Council a levy of 1% of the proposed cost of carrying out the development. The proposed cost of works for this development is \$4,861,716. Therefore, the contribution levy payment which would be payable to Council would equate to \$48,617.

It should be noted that the levy payments received by Council are then required to only be used towards public infrastructure works specifically as set out in the Plan – in the case of Council's 7.12 Plan, it is specific to parks, footpaths, the Aquatic centre, the Council Pound and urban roads (none of the areas specified are within the immediate vicinity of this Wyman Street site).

The Salvation Army have requested that in the case of this proposal, Council waive the Section 7.12 Contributions in recognition of the fact that the proposal itself is seeking to contribute to the well-being of residents within the LGA. They have noted *"It is also noted that while the proposal does involve an increase in density on the site, that density will primarily be taken up by people who already live within the LGA, as opposed to attracting long term residents from elsewhere. Accordingly, the demand for the various items funded by the Contributions Plan will remain largely unchanged"*.

It is recommended that Council agree to waive the payment of the contribution levy fee. It should be noted that the attached schedule of recommended conditions does not include a condition imposing payment of the levy fee.

Attachments

1. [↓](#) Proposed conditions of consent

CODIE HOWARD
DIRECTOR INFRASTRUCTURE AND ENVIRONMENT

JAY NANKIVELL
GENERAL MANAGER

Conditions of Consent

1. The development must take place in accordance with the approved plans and documents submitted with the application, except as altered by conditions of this development consent, listed below:

Title	Revision/Date	Prepared by																																						
Statement of Environmental Effects	June 2024	ADW Johnson																																						
Architectural package	17/5/2024 <table border="1"> <thead> <tr> <th>DRAWING No.</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td>0001</td><td>COVER PAGE</td></tr> <tr><td>0002</td><td>CONTENTS PAGE</td></tr> <tr><td>0003</td><td>RENDER VIEW</td></tr> <tr><td>0004</td><td>FINISHES SCHEDULE 01</td></tr> <tr><td>0005</td><td>FINISHES SCHEDULE 02</td></tr> <tr><td>0100</td><td>CONTEXT PLAN</td></tr> <tr><td>0101</td><td>SITE PLAN - CORE</td></tr> <tr><td>0102</td><td>SITE PLAN - CLUSTER</td></tr> <tr><td>1000</td><td>CORE GROUND FLOOR ARRANGEMENT PLAN - LHA PLATINUM</td></tr> <tr><td>1001</td><td>3 BED GROUND FLOOR ARRANGEMENT PLAN - LHA PLATINUM</td></tr> <tr><td>1002</td><td>3 BED GROUND FLOOR ARRANGEMENT PLAN - LHA SILVER</td></tr> <tr><td>1003</td><td>2 BED GROUND FLOOR ARRANGEMENT PLAN - LHA SILVER</td></tr> <tr><td>3000</td><td>CORE ELEVATIONS - LHA PLATINUM</td></tr> <tr><td>3001</td><td>3 BED ELEVATIONS - LHA PLATINUM</td></tr> <tr><td>3002</td><td>3 BED ELEVATIONS - LHA SILVER</td></tr> <tr><td>3003</td><td>2 BED ELEVATIONS - LHA SILVER</td></tr> <tr><td>4000</td><td>SITE SECTION - CORE</td></tr> <tr><td>4001</td><td>SITE SECTION - CLUSTER</td></tr> </tbody> </table>	DRAWING No.	DESCRIPTION	0001	COVER PAGE	0002	CONTENTS PAGE	0003	RENDER VIEW	0004	FINISHES SCHEDULE 01	0005	FINISHES SCHEDULE 02	0100	CONTEXT PLAN	0101	SITE PLAN - CORE	0102	SITE PLAN - CLUSTER	1000	CORE GROUND FLOOR ARRANGEMENT PLAN - LHA PLATINUM	1001	3 BED GROUND FLOOR ARRANGEMENT PLAN - LHA PLATINUM	1002	3 BED GROUND FLOOR ARRANGEMENT PLAN - LHA SILVER	1003	2 BED GROUND FLOOR ARRANGEMENT PLAN - LHA SILVER	3000	CORE ELEVATIONS - LHA PLATINUM	3001	3 BED ELEVATIONS - LHA PLATINUM	3002	3 BED ELEVATIONS - LHA SILVER	3003	2 BED ELEVATIONS - LHA SILVER	4000	SITE SECTION - CORE	4001	SITE SECTION - CLUSTER	Blok
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Plan of management	22 May 2024	Salvation Army																																						
Civil plans	May 2024	ADP Consulting																																						
Contamination site investigation report	20 May 2024	Barnson																																						
Geotechnical investigation report	20 May 2024	Barnson																																						
Landscape plan	20 May 2024	Prandium Studio																																						

2. Prior to the commencement of any work on the site, a Construction Certificate is to be obtained from either Council or an Accredited Certifier, certifying that the proposed works are in accordance with this consent and the applicable standards.

3. Prior to the commencement of any work on the site, the person having the benefit of this consent:
 - a. shall appoint a Principal Certifying Authority (PCA).
 - b. shall ensure a Construction Certificate is issued by the PCA.
 - c. shall notify Council of their intention to commence the site works, at least 2 days prior to commencement of work.
4. Prior to the commencement of any work within the public road reserve including footpath area, Roads Act approval must be obtained from Broken Hill City Council's Infrastructure Department, along with obtaining necessary works approvals.
5. The detailed plans and specifications submitted with the application for a construction certificate must demonstrate compliance with the provisions of the Building Code of Australia for the appropriate class of building. Should the external configuration of the building be modified as a result of achieving BCA compliance, this development consent must also seek appropriate approvals and be modified.
6. Prior to the commencement of any work on the site, the applicant is to obtain all relevant approvals to carry out sewerage work, electricity work and water supply work from the relevant local service providers and comply with any conditions of those approvals.
7. During construction, all works are to be carried out so as not to cause damage to adjacent and adjoining properties. Any damage arising from demolition or construction works is to be made good and any necessary repairs and renovations carried out within three months, at full cost to the developer.
8. During demolition and construction, works are to be carried out so as not to cause damage to nearby public infrastructure, services and utilities, including kerb and gutter, footpaths, water mains, sewer mains and roadways. All damage arising from the project works is to be made good and any necessary repairs and renovations carried out immediately at no cost to Council or the relevant service provider.
9. That all building work must be carried out in accordance with the provisions of the Building Code of Australia.
10. During construction, all building rubbish and debris, including that which can be windblown, shall be contained on site in suitable containers for disposal at an authorised Waste Landfill Depot at regular periods. The container shall be erected on the building site prior to construction work commencing and shall be maintained for the term of the construction to the completion of the project. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.
11. No material or equipment associated with the development is to be placed on public land without the written consent of the Council, and any activity located in close proximity to public areas is to be fenced to prevent damage to persons or property.
12. All work vehicles entering or leaving the site must have their loads covered, and all vehicles, before leaving the site, should be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

13. During construction, all works associated with the development must be carried out entirely within the allotment boundaries.
14. Construction activities at the development site shall be carried out only between 7.00am to 5.00pm Monday to Saturday. No work on Sundays is permitted.
15. Provision of 5 off-street car parking spaces to serve the development (as shown on the approved plans) is to be completed before the issue of an Occupation Certificate.
16. All car parking spaces must be laid out, line marked, signposted, and maintained in accordance with current version Australian Standard 2890.
17. All costs associated with the construction of new neighbouring fencing, is to be borne by the developer.
18. That the Lot Titles Lot 79 DP 1282509 ; and Lot 80 DP 1282509 shall be consolidated at the full cost to the developer. The consolidation shall be registered with NSW Land Registry Services prior to an Occupation Certificate being issued.
19. That all recommendations as outlined in the Approved Contamination site investigation report (Barnsons, 20 May 2024) shall be complied with and evidence of all recommended remediation works being carried out is to be provided to the Certifier prior to an Occupation certificate being issued.
20. The Applicant is to obtain an Occupation Certificate pursuant to the *Environmental Planning and Assessment Act 1979*, from the Principal Certifying Authority prior to occupation of the building.
21. A Plan of Management must be maintained for the operations of the site.
22. Any external lights shall be operated and maintained in accordance with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting* so as not to cause a nuisance or adverse impact on the amenity of occupants of the surrounding area or to motorists on nearby roads.
- 23.

Reason for imposition of conditions: To ensure that the development is undertaken in accordance with any relevant standards and legislative requirements, and to ensure that the development is carried out in a manner that has regard to and protects the amenity of the locality.

ORDINARY MEETING OF THE COUNCIL

October 16, 2024

ITEM 19**BROKEN HILL CITY COUNCIL REPORT NO. 166/24**

SUBJECT: **PROPOSED COMPULSORY ACQUISITION OF LOT 4444 IN**
DEPOSITED PLAN 757298 (123 BAGOT STREET) **D24/50140**

Recommendation

1. That Broken Hill City Council Report No. 166/24 dated October 16, 2024, be received.
2. That Council approve the compulsory acquisition of approximately 4048 square metres being Lot 4444 on DP 757298, known as 123 Bagot Street, Broken Hill, pursuant to the *Local Government Act 1993*, and upon acquisition, classify the land as operational land.
3. That Council register acquisition plans against Lot 4444 DP 757298.
4. That Council approve the making of an application to the Minister for Local Government to issue a Proposed Acquisition Notice under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) for Council to compulsorily acquire Lot 4444 DP 757298.
5. That Council approve the making of an application to the Governor of NSW for the publication of an Acquisition Notice in the NSW Government Gazette under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) for Council to compulsorily acquire Lot 4444 DP 757298.
6. That Council delegate to the General Manager the power to negotiate, finalise and execute any applications, notices, documents and compensation claims required to be executed as part of the process for Council to compulsorily acquire Lot 4444 DP 757298.
7. That any documents which may not be executed by the General Manager under delegation be executed under the Common Seal of Council.
8. That all documentation in relation to this matter remain confidential to Council.

Executive Summary:

At the November 2022 Ordinary Meeting of Council, a Notice of Motion was put forward to seek advice from Crown Lands in order to establish a childcare centre on land at 123 Bagot Street, due to the current high demand for childcare services in Broken Hill.

As a result of Council staff discussions and consultation with Crown Lands, it has been concluded that compulsory acquisition under the *Land Acquisition (Just Terms Compensation) Act 1991* would be the preferred pathway for Council to acquire the site as freehold land.

Report:

The availability of childcare services is a major issue that is impacting the social and economic development of Broken Hill. Broken Hill's access to 0-5 years childcare currently has a waitlist of over two years, which is impacting on the city's ability to not only attract

essential workers and grow the economy and population but also the ability for current residents to return to the workforce; with many of these residents either being essential workers or having much sought-after skill sets within the City.

The land at 123 Bagot Street (lot 4444 in deposited plan 757298) is currently a Crown Reserve (R80715) managed by Council under the *Crown Land Management Act 2016*. The Reserve was gazetted for the purpose of 'public recreation' in 1958, however has not been used for this purpose for many years. The site is currently overgrown and not accessible to the public.

A desktop assessment indicates the if the site were to be acquired by Council as freehold operational land, it would be suitable for development for the purposes of childcare. The parcel of land is approximately 4048 square metres in size on a corner block with both lane and road access, and is located next to an existing childcare centre.

The site is zoned R1 General Residential under the *Broken Hill Local Environmental Plan 2013*, and a childcare centre would be permissible subject to development consent.

Council staff have discussed the matter with Crown Lands on numerous occasions, and it has been concluded that compulsory acquisition under the *Land Acquisition (Just Terms Compensation) Act 1991* would be the preferred pathway for Council to acquire the site as freehold land.

Crown Lands have been formally notified of the proposed acquisition and have advised they have no objection to receiving a Proposed Acquisition Notice (PAN).

A surveyor has been engaged to prepare a plan of acquisition, and Council staff have obtained initial legal advice regarding the proposed acquisition process.

Community Engagement:

Considerable consultation has occurred around the overall availability of childcare in the City and the requirement for further centres to be opened and/or expanded.

Strategic Direction:

Key Direction:	1	Our Community
Objective:	1.1	Our community spirit is our strength
Strategy:	1.1.2	Ensure that the liveability factors that enhance our lifestyles are identified, considered, maintained, and grown

Relevant Legislation:

Local Government Act 1993
Land Acquisition (Just Terms Compensation) Act 1991
Crown Land Management Act 2016

Financial Implications:

Compensation will be required to be paid to the Crown determined by the Valuer General. This includes any additional compensation to Native Title Holders.

The current unimproved value of the land as at 01/07/2022 is \$ 65,900

Attachments

There are no attachments for this report.

JAY NANKIVELL
GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

October 11, 2024

ITEM 20BROKEN HILL CITY COUNCIL REPORT NO. 167/24SUBJECT: HISTORIC TRAM CARRIAGE D24/49448**Recommendation**

1. That Broken Hill City Council Report No. 167/24 dated October 11, 2024, be received.
2. That the General Manager be authorised to undertake negotiations with relevant local parties for the transfer/loan of agreed components for the purpose of public exhibition.

Executive Summary:

In August 2024 a request was received from Christine Adams, Curator of the Sulphide Street Railway Museum for the donation of the front part of the old tram carriage (pictured below), situated at Council's Warnock Street Depot, for display at the Sulphide Street Railway Museum.

Subsequently Council staff facilitated visits to view the tram carriage with Heritage Advisor Liz Vines and Museums Advisor Dr Kate Gahan who both confirmed the poor condition the carriage is in, and will provide a report on the Heritage Significance along with how best it be taken apart to ensure heritage conservation.

This Council report requests that the General Manager be given authority to undertake negotiations on the request upon receipt and consideration of the Museum Advisor's report.

Report:

An original passenger tram carriage, in two parts was donated around 1999/2000 by a station property owner to the Line of Lode Association. This carriage dates from around 1900 to 1920. When the Line of Lode Association wound up around 2003, this along with other items was donated to Council. Over the years a number of options have been raised in relation to this carriage, ranging from disposal to seeking funding for restoration/conservation, however no action was taken to progress any of these options and as at October 2024, the carriages are still at Council's Warnock Street yard in an advanced state of deterioration.

In August 2024 a request was received by the General Manager from Christine Adams for the donation of the front part of the carriage to the Sulphide Street Railway Museum. On 27 August 2024, Council's Heritage Advisor, Liz Vines attended the site to inspect the carriages. Ms Vines confirmed their poor condition and supported in principle the request by the Sulphide Street Railway Museum to conserve and display this historical artefact as long as care was taken to follow accepted standards in its conservation and in dealing with potential asbestos hazards.

On 23 September 2024, Council's Museums Advisor Kate Gahan attended the site to inspect the carriages. Dr Gahan also confirmed that the carriages are in very poor condition and has undertaken to write up a brief Significance Assessment report. This report will outline the heritage value of the carriage, along with recommendations and options for the conservation of the entire carriage or just the front part of the carriage and how such a

process could take place to best ensure the integrity of the physical carriage whilst maintaining its heritage value.

Council is awaiting receipt of the Significance Assessment later in October. This Council report recommends that the General Manager be given authority to undertake negotiations on the proposed donation to the Sulphide Street Railway Museum, upon receipt and consideration of the Significance Assessment.

Community Engagement:

The report will be available in the Business Paper for Council’s Ordinary meeting held 30 October 2024.

Strategic Direction:

Key Direction:	4.	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

Nil

Financial Implications:

Conservation attention may be required for effective presentation of selected parts. This would be the responsibility of the accepting party.

Attachments

1. [↓](#) Carriage Images



Carriage internal side view



Carriage external view

ORDINARY MEETING OF THE COUNCIL

October 10, 2024

ITEM 21

BROKEN HILL CITY COUNCIL REPORT NO. 168/24

SUBJECT: MINUTES OF THE BROKEN HILL LEAD REFERENCE GROUPD24/49391

Recommendation

1. That Broken Hill City Council Report No. 168/24 dated October 10, 2024, be received.
2. That the Minutes of the Broken Hill Lead Reference Group Meeting held 22 August 2024 be received.

Executive Summary:

The minutes of the Broken Hill Lead Reference Group for meeting held 22 August 2024 are presented to Council for endorsement.

Report:

The Broken Hill Lead Reference Group (BHLRG), chaired by the Broken Hill City Council, is a collaborative of the many companies, Perri and community representatives that work with, have an interest in and contribute to lead management in the local community.

The BHLRG has developed the Broken Hill Lead Reference Group Integrated Strategy to provide a forum for information exchange and to guide activity relating to lead issues for Broken Hill.

Community Engagement:

Community engagement through community representation on the Committee.

Strategic Direction:

Key Direction:	4.	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation: Nil

Financial Implications: Nil

Attachments

1. [↓](#) Minutes - 22 August 2024 Broken Hill Lead Reference Group

CODIE HOWARD
DIRECTOR INFRASTRUCTURE AND ENVIRONMENT

JAY NANKIVELL
GENERAL MANAGER

MINUTES OF THE BROKEN HILL LEAD REFERENCE GROUP (BHLRG) MEETING HELD THURSDAY, 22 AUGUST 2024 10.00AM, AGED PERSONS REST CENTRE

Meeting commenced at 10.05am

Present

Councillor Marion Browne	Council Delegate- (Chair)
Devon Roberts	Broken Hill Operations (BHO)
Judi Louvel	Broken Hill Environmental Lead Program (BHELP)
Frances Boreland	Broken Hill Environmental Lead Program (BHELP)
Gill Gallagher	Environment Protection Authority (EPA)
Vilmae Appleton	Far West Local Health District (FWLHD)
Kelli Morris	Far West Local Health District (FWLHD)
Georgina Seward	Public Health Unit (PHU)
Nyrie Waite	Administration Officer – (BHCC) - Minute Taker

Present Via Teams

Adam Forster	Perilya
Cathy Dyer	Maari Ma
Rebecca Smith	Far West Local Health District (FWLHD)
Neil Glastonbury	Transport for NSW (TfNSW)
Pam Tucker	Community Representative
Adele Petterd	Lake Macquarie Council

Apologies

Linda Mason	Western NSW Local Health District (WLHD)
Leanne Hastwell	Far West Local Health District (FWLHD)
Marisa Pickett	Manager Waste and Sustainability (BHCC)

Acknowledgement of Country

Acknowledgment of Country recited by Councillor Browne.

Welcome with introductions around the table and on Teams.

Confirmation of Minutes of Previous Meeting

Previous meeting:	30 May 2024
Moved:	Georgie Seward
Seconded:	Kelli Morris

Guest Speaker - Councillor Browne introduced Adele Petterd who presented on the legacy lead contamination in Lake Macquarie Council. The presentation is attached.

Please forward questions to Adele - alpetterd@lakemac.nsw.gov.au

Notes from the presentation:-

Blood lead levels have been low since the smelter closed.

Hunter/New England Health write to local GP's each year to advise that lead is in the environment and to consider lead testing patients. Gill suggested this might be an idea for Broken Hill and Far West LHD and PHN.

Adele was unsure who monitors the containment site. Gill to follow up with an answer.

Small grants for households to assist with remediation are well used by the community.

1 Matters Arising from Previous Minutes

Abe from SafeWork to advise when he will be visiting Broken Hill.

Abe did visit Broken Hill recently and Judi is discussing a date with ABE. Judi is also in discussions with TAFE Digital to get information on the lead training they use for Tradespeople.

Letter/invitation drafted to be sent to companies for forum with SafeWork.

Nyrie advised we are waiting for a date and venue.

Introduction to the town of Trail to be emailed to all stakeholders.

Frances Borland has supplied the information which is attached to the minutes.

Teck Metals to advise date and time of a zoom meeting to be organised for their presentation and questions.

Frances has been in contact with Keith Klimchuk, Superintendent Environment Improvement, Teck Metals (Canada). Keith advised he was waiting for staff to return from leave and will talk with Frances shortly.

2 Correspondence In

15/7/2024 – Devon Roberts, Senior Environment Advisor CBH Resources, Rasp Mine – Lead Management Plan for comment. Forwarded to BHLRG 22/7/2024.

Meeting update – Devon has received comments and Gill is compiling comments to send to Devon.

31/7/2024 - Adele Petterd, Sustainability Engagement Officer, Lake Macquarie City Council, Judi Lovel suggested Adele share the work Lake Macquarie Council are conducting to address legacy lead contamination. Reply email was sent with details of the meeting on 22 August 2024.

Correspondence Out - Nil

3 Quarterly Reports

4.1 Broken Hill Environmental Lead Program (BHELP) Report attached and tabled.

Meeting update: – the next round of remediation and abatement of properties is about to start. There are continued challenges organising the assessment of properties. Lead Ted is visiting schools in Broken Hill and is well received by the children. There is a list of the properties that have been remediated since the program started. The main concentration of properties is close to the Line of Load, with other properties scattered throughout Broken Hill.

4.2 Maari Ma Health (No written report)

Meeting update: - lead testing is continuing using the POC machines, with monitoring of families with high lead levels. An analysis of all the testing that Maari Ma have performed has been completed, for publication. Maari Ma has developed a targeted Aboriginal strategy to address lead in Broken Hill, which has been submitted to the Government lead response group. The LHD is continuing to use POC testing. Perilya are looking to encourage blood lead testing with the families within their employ.

4.3 Western Local Health District (WLHD) Report attached and tabled.

Meeting update: – Georgina addressed the report and read the statistics for each section. The annual report displays any difference in average lead levels between children of different cultures. There are many factors for this, including housing. Adam shared the lead test kit, D-Lead, that Perilya are looking at distributing to families.

4.4 Broken Hill Operations Report attached and tabled.

Meeting update: – Devon Roberts spoke to the report. No update to the written report.

4.5 Perilya (report attached)

Meeting update: Perilya remediate houses on their site, not BHELP. Perilya are working on their Environmental and Sustainability Plan and have submitted it to the NSW Resources Regulator.

4.6 Essential Water (no written report)

Meeting update: – No representative at the meeting.

4 General Business – as per matters arising from the previous minutes.

5 Action List for next meeting

Action	Responsible Person	Date due
Abe from SafeWork to advise when he will be visiting Broken Hill - Judi to advise Nyrie	Abe Lau and Judi Louvel	Ongoing
Teck Metals to be advised that a zoom meeting is to be organised for their presentation and question	Frances Borland to follow up	When possible.
Reach out to Aboriginal Affairs and Aboriginal Housing ie Paul Kemp or Bilyara Bates for a representative to attend the BHLRG meetings.	Nyrie to investigate	

6 Next Meeting Date

10am Thursday, 28 November 2024, Aged Persons Rest Centre and via Teams.

12 Meeting Closed

11.30am

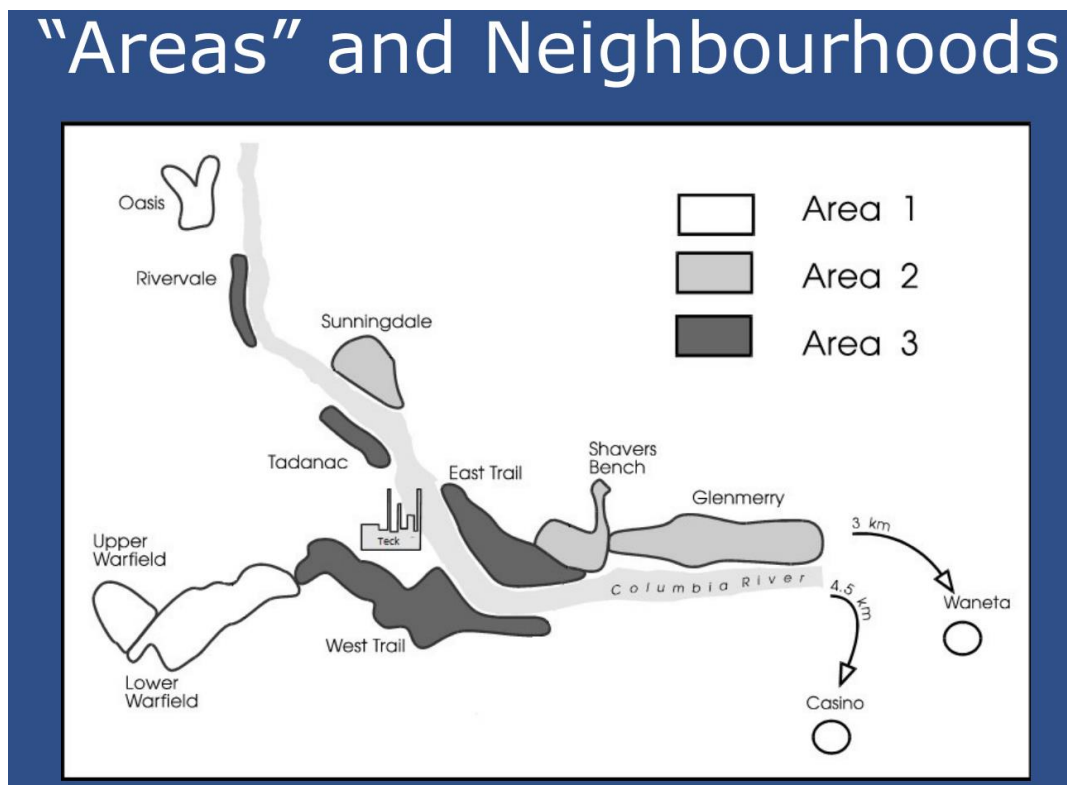
Background information on Trail, British Columbia, Canada

About ½ Broken Hill size – population of 8,290 in 2023, with about 4000 dwellings. Population is slowly increasing.

Located on both sides of the Columbia River. Summer hot and dry, average temp 29C, often exceeds 35C; winter is mild – cold, with moderate snowfall. Annual rainfall 916 mm.

Smelter is largest employer, providing about 1,400 jobs

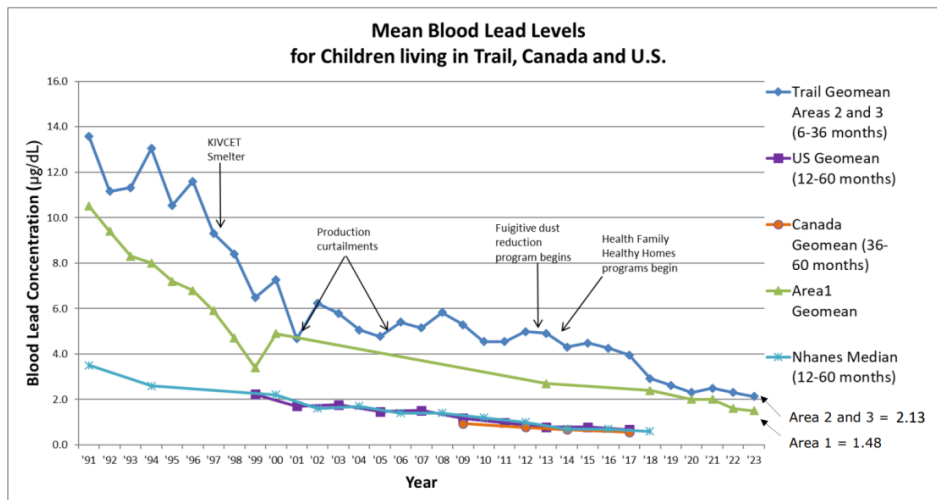
Smelting in Trail since 1896. Like Broken Hill and Port Pirie, smelter is located very close to residential areas.



From Blood lead levels in Trail Fall 2023

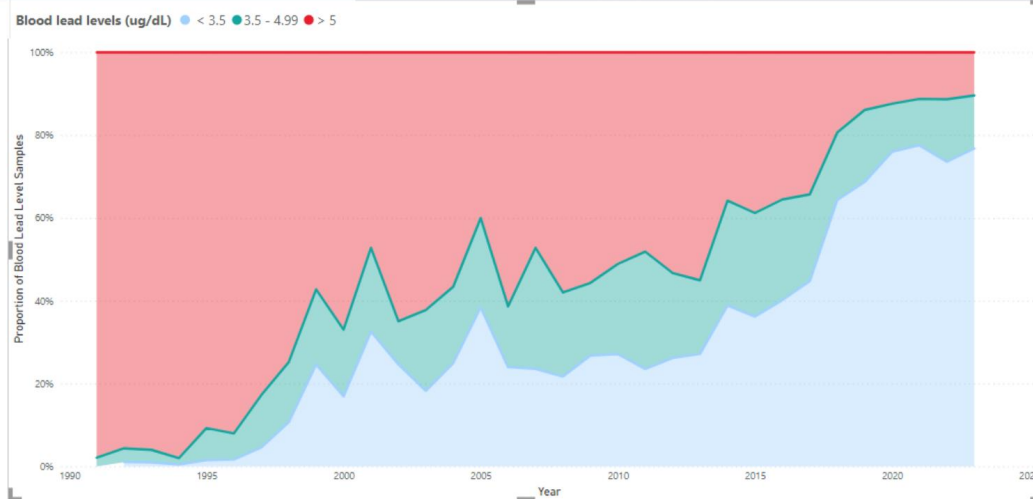
Blood lead levels have reduced from geomean of 13.8 µg/dL in 1991 to 2.1 µg/dL in 2023, with about 10% with blood lead levels of 5 µg/dL or more. By comparison, geomean blood lead level in Broken Hill has reduced from 16.7 µg/dL in 1991 to 4.4 µg/dL in 2023, with 43% with blood lead levels of 5 µg/dL or more. Efforts to reduce blood lead levels have involved reducing emissions, cleaning up across the community and education.

Blood Pb Levels in Trail, Canada & U.S. Data



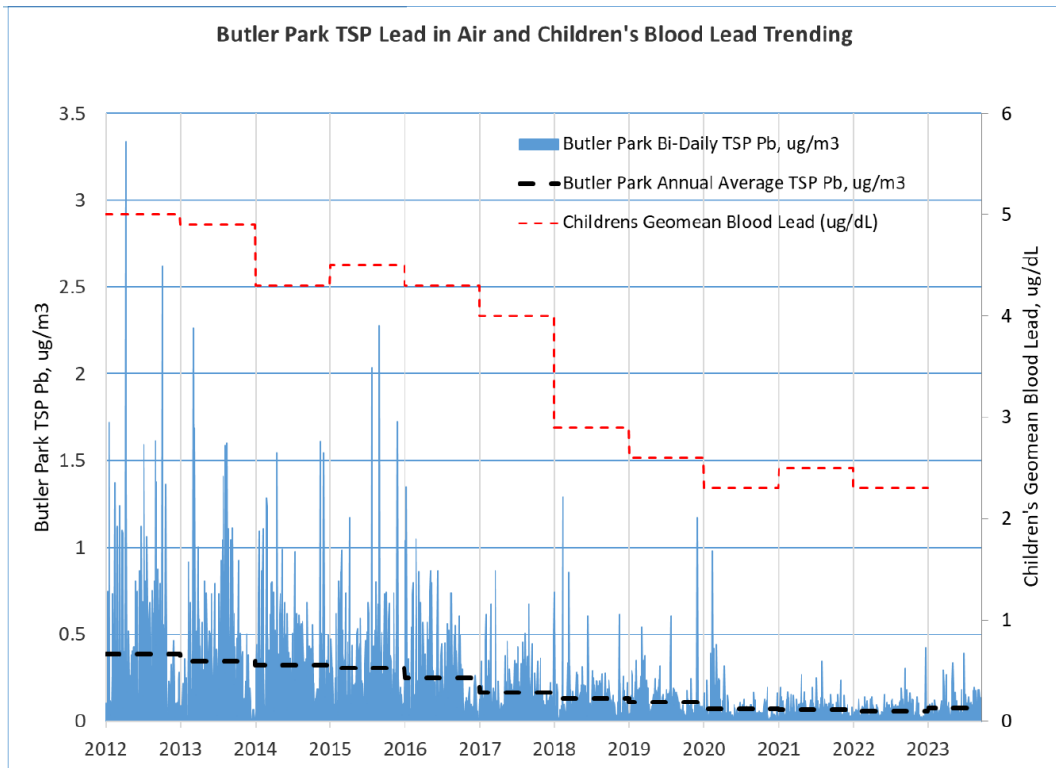
From Blood lead levels in Trail Fall 2023

Figure 5. Proportion blood Pb samples collected over the years for all areas by blood lead level concentrations



From Blood lead levels in Trail Fall 2023

Lead in air levels in Trail have fallen substantially in recent years as a result of active management of emissions, and blood lead levels have decreased with them.



From Teck Trail Operations Air Quality Improvement Programs 2023 update, 27th September 2023

More information can be found at the Trail Area Health and Environment Program website at [Trail Area Health & Environment Program \(thep.ca\)](http://Trail Area Health & Environment Program (thep.ca))



BHELP REPORT TO BROKEN HILL LEAD REFERENCE GROUP August 2024

1. Remediation/Abatement Program

Home Remediation/Abatement Program – Round 9 will be commencing in the coming weeks.

Home remediation and abatement includes.

- Removal and replacement of contaminated soils.
- Removal of unstable lead paint and repainting.
- Cleaning or replacing carpets with hard flooring.
- Sealing areas inside the residence where dust has a pathway for entry.

To date.

- 17 Children have been referred for a home assessment in Round 9
 - All of these children have been triaged as priority 1

Challenges faced with home assessment including possible solutions.

A range of challenges are faced in assessing homes and undertaking abatement works. These are outlined below.

- Getting in contact with the owners/tenants to organise assessment times.
- Sometimes residents are not there when we arrive.
- Getting scopes approved and returned by owners/tenants.
- Residents' expectations of wanting more than we can/need to provide
- Residents not understanding how to care for the remediation long term and sometimes ending up with recontamination and then further remediation required.
- Some houses are poorly kept/untidy, making it hard to access test areas especially rubbish etc in yards.
- The standard of some housing is poor and not really suitable for living in.
- Families move from house to house meaning possible exposure in the houses moved into that may not have been remediated.
- Families refusing remediation.
- Owners refusing remediation.
- Children spending large amounts of time between houses making it difficult to ascertain where the lead exposure issues are.
- Inability to get remediation completed after home assessment in timely fashion or in some cases not at all due to backlog.

- Possible breakdown of trust and community engagement due to backlog
- People are sometimes a bit uncomfortable with the home assessment process, especially if the house is a bit untidy.
- Pets – large dogs, occasional other large pets.
- Unkempt yards/lots of junk/dog faeces are occasionally a problem.

2. Community Engagement and Communications Activities

- Term 3 has recommenced, and this week BHELP is busy working within schools delivering incursions. As always Lead Ted is a huge hit with the school children.

3. Technical Activities

- Technical advice has been provided about:
 - potential research projects (to Health, ANU & EPA)
 - evidence on sources of lead in BH soils (to internal EPA).
 - advice to general public enquiries relating to lead concerns.
- BHELP attends quarterly Trail Health Environmental Committee meetings to learn from each other about reducing lead exposure in our respective communities. Trail is a smelter community in Canada that has significantly reduced lead exposure while still maintaining an active lead industry.

4. Other Activities

- Dust monitoring program is being maintained.
- Monitoring of landscape supplies is being maintained – all samples are well within the guidelines for soil lead levels.
- Meetings with SafeWork to discuss a lead safe program for trade and contract workers are continuing.
- With the purchase of an updated XRF training is underway to ensure competence in using the new machine.

Blood lead levels in children aged 6 months to <5 years, Broken Hill, by quarter, 2014-2024

1. Blood lead levels for children aged 1 year to <5 years

Key points for Screening in the Second Quarter, 2024.

- The number of children screened for the second quarter of 2024 (n=203) increased by 7% from the same time in 2023 (n=189) (Table 2).
- The highest monthly testing numbers were seen in May (Figure 1), which is consistent with both the previous year (2023) and the 10-year average, 2014 to 2023 (Figure 2).
- The blood lead level (BLL) geometric mean for the second quarter of 2024 was below the guideline at 3.6 µg/dL, which was marginally higher than for 2023 but consistent with the previous two years (Table 2).
- The monthly BLL geometric mean for this second quarter trended downwards, beginning at 4.0 µg/dL in April, down to 3.0 µg/dL in June, showing a similar rate of decline to the second quarter 10-year average, 2014 to 2023 (Figure 3).
- The 5-year BLL geometric mean for the first quarter of 2020-2024 is trending downwards and running just above the lower 1SD level of 10-year 2014-2023 geometric mean (Figure 4).

Key points for the age group stratified analyses in the Second Quarter, 2024.

- For the second quarter of 2024, the geometric mean was highest in 1 year old children, at 3.8 µg/dL, but this was only marginally higher than for the 2 year olds (3.6 µg/dL) and 4 year olds (3.7 µg/dL) (Table 7).
- For this second quarter, 32% (n=65) of children had BLLs above the guideline (Table 7).
- The number (n=36) and proportion of these children (40%) with BLLs above the guideline was highest for 1 year old children (n=36) (Table 12).
- The proportion of these children (3%) with high or very high BLLs (20-<30 µg/dL or ≥30 µg/dL) was highest for 4 year old children (Table 12).

Table 1: Blood lead levels, first quarter (January-March), 2014-2024 (All children*)

First quarter	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Geometric Mean (µg/dL)	4.9	6.2	5.8	6.4	5.7	5.8	5.6	4.0	4.4	5.1	5.1
Max	27.0	30.0	35.0	39.0	56.7	41.8	24.1	30.1	25.3	65.0	31.0
Mode	3.0	3.0	3.0	3.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Median	5.0	6.0	5.0	6.3	6.3	6.0	5.7	3.8	4.7	5.2	5.4
95 percentile	18.0	19.1	17.8	18.2	17.0	16.8	16.3	14.3	11.0	16.5	15.3
No. children tested	257	219	226	311	256	266	305	266	174	265	275

Table 2: Blood lead levels, second quarter (April-June), 2014-2024 (All children*)

Second quarter	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Geometric Mean (µg/dL)	4.8	5.8	5.8	5.2	4.3	5.2	4.4	3.6	3.6	3.4	3.6
Max	29.0	30.0	50.0	38.1	21.7	23.1	34.7	25.0	65.0	48.4	31.9
Mode	3.0	3.0	3.0	3.0	2.0	2.0	2.0	2.0	2.0	2.0	2
Median	3.0	5.0	5.0	4.8	4.2	5.2	4.1	3.4	3.3	2.0	3.4
95 percentile	15.0	15.2	15.8	16.3	14.1	15.5	15.2	14.0	12.3	11.6	12.8
No. children tested	193	198	207	197	136	203	176	250	213	189	203

*All children = Aboriginal, non-Aboriginal and Aboriginality not stated total for age group

Prepared by: J. Watts, Public Health Unit, Health Protection; WNSWLHD. Data Source: CHOC for 2018 onwards. Date of extraction: 3.07.2024.

Table 3: Blood lead levels, third quarter (July-September), 2014-2024 (All children*)

Third quarter	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Geometric Mean (µg/dL)	4.8	5.1	5.8	4.9	4.0	4.3	4.0	2.8	4.1	3.9	
Max	28.0	29.0	27.4	30.1	20.5	14.1	20.2	15.3	50.5	34.5	
Mode	3.0	3.0	3.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	
Median	4.0	5.0	5.5	4.6	4.4	4.9	4.5	2.0	4.1	3.7	
95 percentile	13.0	15.7	17.7	16.9	10.6	11.6	10.2	8.0	15.4	17.2	
No. children tested	141	147	113	131	137	114	122	88	122	151	

Table 4: Blood lead levels, fourth quarter (October-December), 2014-2024 (All children*)

Fourth quarter	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Geometric Mean (µg/dL)	4.8	5.1	5.4	4.2	3.8	4.0	3.4	4.8	3.6	4.6	
Max	28.0	29.0	27.0	23.3	19.5	29.0	13.3	14.2	61.1	48.7	
Mode	3.0	3.0	3.2	2.0	2.0	2.0	2.0	2.0	2.0	2.0	
Median	4.0	5.0	4.6	4.1	3.9	3.8	3.3	5.9	2.0	4.5	
95 percentile	13.0	15.7	15.9	16.1	12.4	13.0	8.5	13.7	13.3	14.7	
No. children tested	141	147	141	91	108	98	86	11	110	106	

Table 5: Blood lead levels, full year 2014-2024 comparison (All children*)

Full year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Geometric Mean (µg/dL)	5.1	5.7	5.8	5.5	4.6	5.1	4.7	3.5	3.9	4.2	
Max	29.0	30.0	50	39	56.7	41.8	34.7	30.1	65.0	65.0	
Mode	3.0	3.0	3.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	
Median	4.0	5.0	5.0	5.4	4.8	5.1	4.7	2.0	3.9	4.0	
95 percentile	16.0	16.0	17.9	17.7	15.0	14.8	14.7	12.9	13.6	15.4	
No. children tested	719	679	687	730	637	681	689	561	619	711	

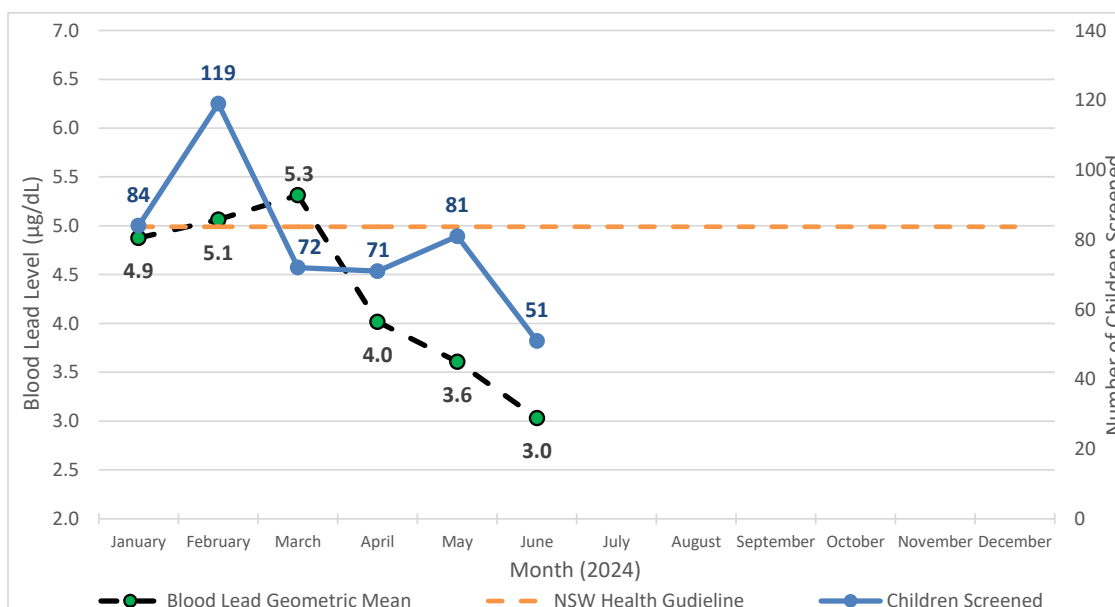


Figure 1. Monthly number of Broken Hill children screened aged 1 to less than 5 years and blood lead level geometric mean for 2024, compared to the NSW Health recommended guideline (<5.0 µg/dL).

*All children = Aboriginal, non-Aboriginal and Aboriginality not stated total for age group

Prepared by: J. Watts, Public Health Unit, Health Protection; WNSWLHD. Data Source: CHOC for 2018 onwards. Date of extraction: 3.07.2024.

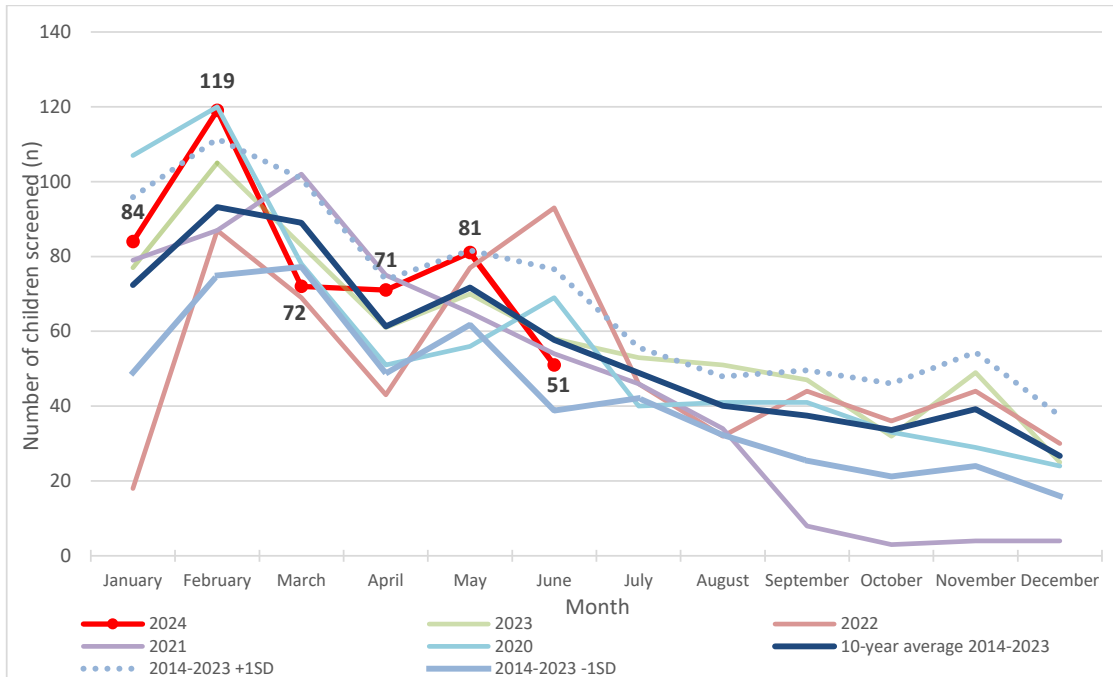


Figure 2. Monthly number of children aged 1 to less than 5 years screened for the years 2020 to 2024 year to date, compared with the monthly 10-year 2014-2023 average (± 1 standard deviation (SD)).

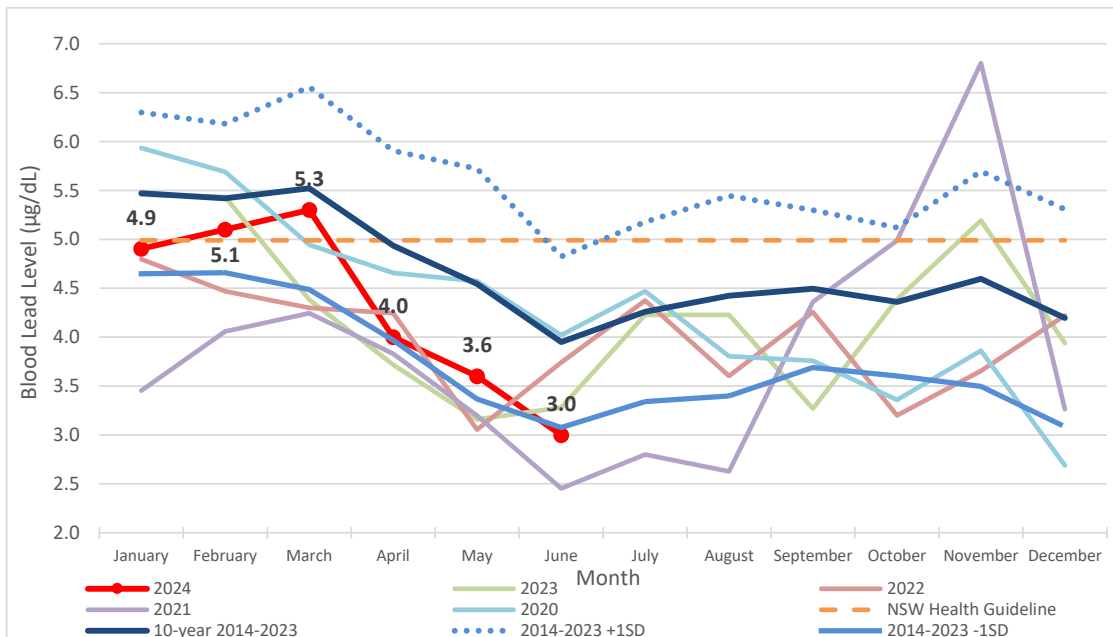


Figure 3. Monthly blood lead level geometric mean for the children screened aged 1 to less than 5 years for 2020 to 2024 year to date, compared with the 10-year 2014-2023 geometric mean (± 1 standard deviations (SD)) and the NSW Health recommended guideline ($< 5.0 \mu\text{g/dL}$).

*All children = Aboriginal, non-Aboriginal and Aboriginality not stated total for age group

Prepared by: J. Watts, Public Health Unit, Health Protection; WNSWLHD. Data Source: CHOC for 2018 onwards. Date of extraction: 3.07.2024.

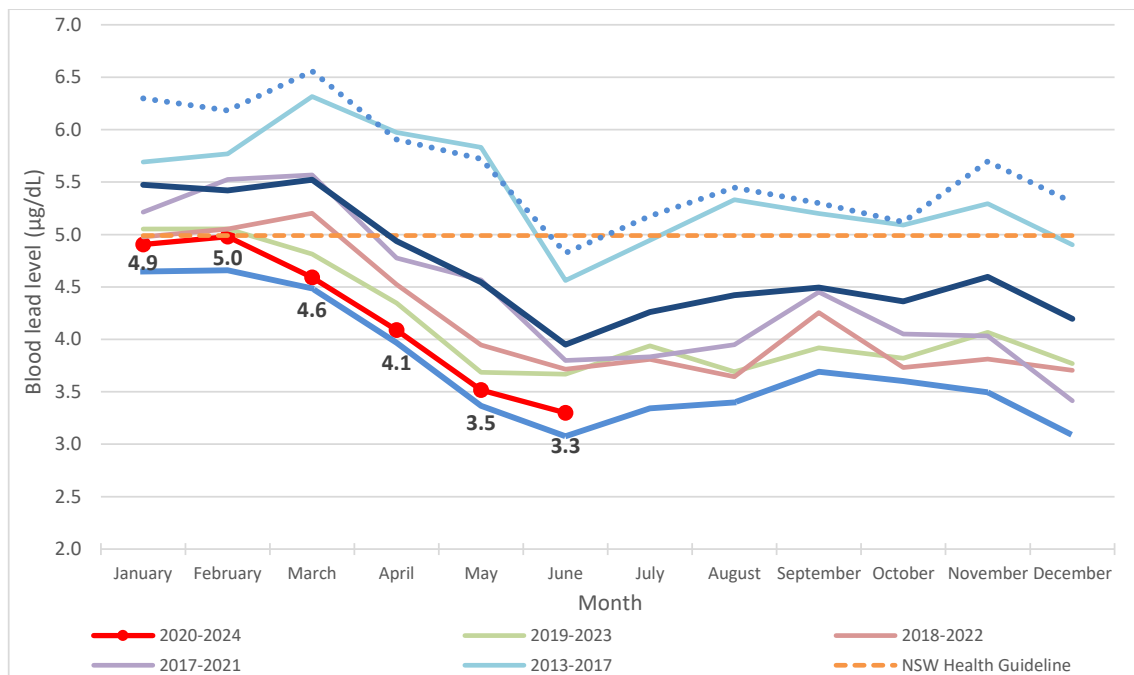


Figure 4. Monthly 5-year geometric means for children aged 1 to less than 5 years for 2013-2017 and 5-year time periods between 2017 and 2024 year to date, compared with the monthly 10-year 2014-2023 geometric mean (± 1 standard deviations (SD)) and the NSW Health recommended guideline ($<5.0 \mu\text{g/dL}$).

Table 6: Blood lead level and number of children by 1 year age group, first quarter (January-March), 2024 (All children*)

First quarter	1 Year	2 Years	3 Years	4 Years	Q1 Total
Geometric Mean ($\mu\text{g/dL}$)	4.8	5.5	5.2	5.1	5.1
No. children screened	114	60	38	63	275
No. children with BLL $\geq 5.0 \mu\text{g/dL}$	61	33	23	33	150

Table 7: Blood lead level and number of children by 1 year age group, second quarter (April-June), 2024 (All children*)

Second quarter	1 Year	2 Years	3 Years	4 Years	Q2 Total
Geometric Mean ($\mu\text{g/dL}$)	3.8	3.6	2.8	3.7	3.6
No. children screened	91	48	30	34	203
No. children with BLL $\geq 5.0 \mu\text{g/dL}$	36	16	3	10	65

Table 8: Blood lead level and number of children by 1 year age group, third quarter (July-September), 2024 (All children*)

Third quarter	1 Year	2 Years	3 Years	4 Years	Q3 Total
Geometric Mean ($\mu\text{g/dL}$)					
No. children screened					
No. children with BLL $\geq 5.0 \mu\text{g/dL}$					

*All children = Aboriginal, non-Aboriginal and Aboriginality not stated total for age group

Prepared by: J. Watts, Public Health Unit, Health Protection; WNSWLHD. Data Source: CHOC for 2018 onwards. Date of extraction: 3.07.2024.

Table 9: Blood lead level and number of children by 1 year age group, fourth quarter (October-December), 2024 (All children*)

Fourth quarter	1 Year	2 Years	3 Years	4 Years	Q4 Total
Geometric Mean (µg/dL)					
No. children screened					
No. children with BLL ≥ 5.0 µg/dL					

Table 10: Blood lead level and number of children by 1 year age group, full year, 2024 (All children*)

Full Year	1 Year	2 Years	3 Years	4 Years	2024 Total
Geometric Mean (µg/dL)					
No. children screened					
No. children with BLL ≥ 5.0 µg/dL					

Table 11: Blood lead level categories, by number and proportion of children and 1 year age group, for first quarter (January-March), 2024 (All children*)

First quarter	1 year old:		2 year olds		3 Year olds		4 Year olds		Total Children	
Blood Lead Level	n	%	n	%	n	%	n	%	n	%
< 5µg/dL	53	46%	27	45%	15	39%	30	48%	125	45%
5 - < 10 µg/dL	42	37%	24	40%	14	37%	25	40%	105	38%
10 - < 15 µg/dL	13	11%	5	8%	7	18%	5	8%	30	11%
15 - < 20 µg/dL	5	4%	0	0%	1	3%	0	0%	6	2%
20 - < 30 µg/dL	1	0.9%	3	5%	1	3%	2	3%	7	3%
≥ 30 µg/dL	0	0%	1	1.7%	0	0%	1	1.6%	2	0.7%
Totals	114	100%	60	100%	38	100%	63	100%	275	100%

Table 12: Blood lead level categories, by number and proportion of children and 1 year age group, for second quarter (April-June), 2024 (All children*)

Second quarter	1 year old:		2 year olds		3 Year olds		4 Year olds		Total Children	
Blood Lead Level	n	%	n	%	n	%	n	%	n	%
< 5µg/dL	55	60%	32	67%	27	90%	24	71%	138	68%
5 - < 10 µg/dL	30	33%	11	23%	2	7%	7	21%	50	25%
10 - < 15 µg/dL	3	3%	4	8%	0	0%	1	3%	8	4%
15 - < 20 µg/dL	2	2%	1	2%	1	3%	1	3%	5	2%
20 - < 30 µg/dL	0	0%	0	0%	0	0%	1	3%	1	0.5%
≥ 30 µg/dL	1	1%	0	0%	0	0%	0	0%	1	0.5%
Totals	91	100%	48	100%	30	100%	34	100%	203	100%

*All children = Aboriginal, non-Aboriginal and Aboriginality not stated total for age group

Prepared by: J. Watts, Public Health Unit, Health Protection; WNSWLHD. Data Source: CHOC for 2018 onwards. Date of extraction: 3.07.2024.

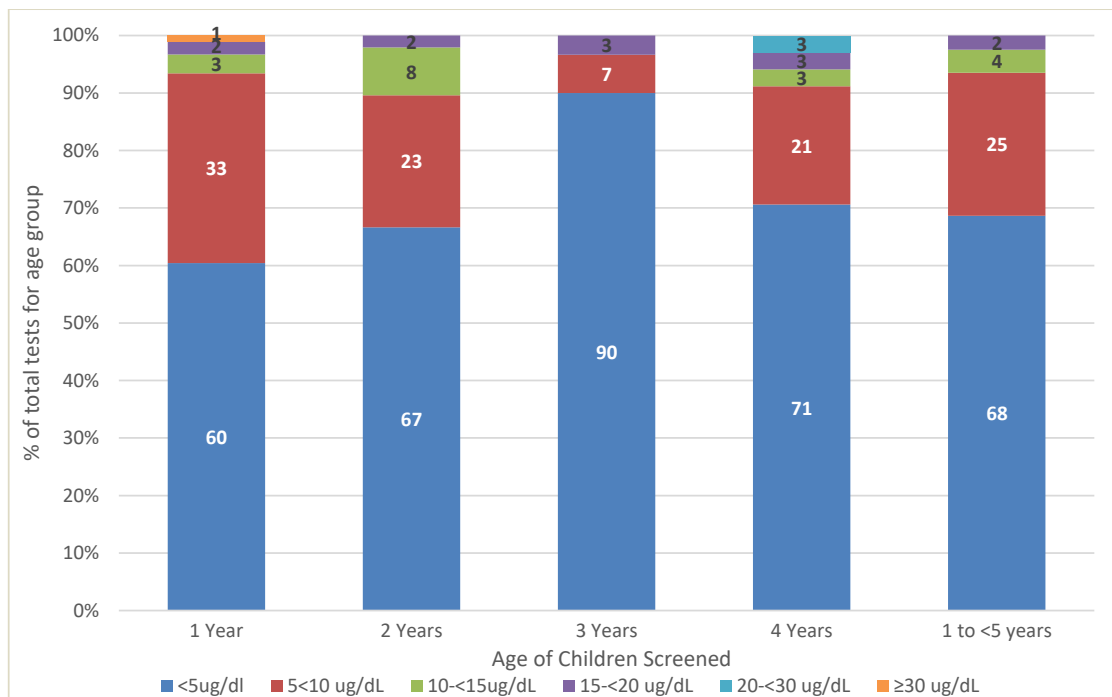


Figure 5. **Second Quarter** blood lead levels by category as a percentage (%) of the total tests by 1 year age group, for children aged 1 to less than 5 years in Broken Hill, Quarter 1 2024. NB: totals may vary due to rounding.

2. Blood lead levels for children aged 6 months to <12 months[^]

Key points for the Second Quarter, 2024

- The number of children screened for the second quarter of 2024 (n=41) decreased by 15% from the same time in 2023 (n=48). One contributing factor to this reduction is likely the recent revision to the Maari Ma Clinical Lead Guidelines, removing routine testing for children in this age group (Table 14).
- The BLL geometric mean for the second quarter is below the guideline at 2.4 µg/dL, just marginally higher than the second quarter in 2023 (Table 9).

[^]To fit most closely to previous <12 months testing, as conducted up to 2012, this includes all children tested 5 months to <12 months.

Table 13: Blood lead levels, first quarter, 2018 – 2024 (All children*)

First quarter	2018	2019	2020	2021	2022	2023	2024
Geometric Mean µg/dL	2.6	3.5	4.2	2.4	2.6	2.8	2.9
Max	6.9	13.5	17.3	11.2	9.7	16.2	13.3
Mode	2.0	2.0	2.0	2.0	2.0	2.0	2
Median	2.0	3.6	2.0	2.0	2.5	2.0	2.0
95 percentile	6.0	10.5	8.2	5.8	8.9	8.6	7.0
No. children tested	33	54	87	73	57	68	44

*All children = Aboriginal, non-Aboriginal and Aboriginality not stated total for age group

Prepared by: J. Watts, Public Health Unit, Health Protection; WNSWLHD. Data Source: CHOC for 2018 onwards. Date of extraction: 3.07.2024.

Table 14: Blood lead levels, second quarter, 2018 – 2024 (All children)*

Second quarter	2018	2019	2020	2021	2022	2023	2024
Geometric Mean µg/dL	2.7	3.1	2.4	2.3	2.7	2.3	2.4
Max	13.2	15.9	9.4	9.2	16.5	11.4	5.1
Mode	2.0	2.0	2.0	2.0	2.0	2.0	2
Median	2.0	2.0	2.0	2.0	2.0	2.0	2.0
95 percentile	8.9	9.1	4.4	5.2	9.4	7.9	4.7
No. children tested	32	52	46	75	49	48	41

Table 15: Blood lead levels, third quarter, 2018 – 2024 (All children)*

Third quarter	2018	2019	2020	2021	2022	2023	2024
Geometric Mean µg/dL	2.7	2.4	2.4	2.2	2.2	2.2	
Max	21.2	7.6	6.4	13.8	6.3	7.8	
Mode	2.0	2.0	2.0	2.0	2.0	2.0	
Median	2.0	2.0	2.0	2.0	2.0	2.0	
95 percentile	9.9	5.9	5.1	4.4	5.0	6.7	
No. children tested	42	49	44	35	40	40	

Table 16: Blood lead levels, fourth quarter, 2018 – 2024 (All children)*

Fourth quarter	2018	2019	2020	2021	2022	2023	2024
Geometric Mean µg/dL	2.8	2.4	2.7	2.0	2.4	2.3	
Max	9.1	8.6	14.0	2.0	6.4	12.0	
Mode	2.0	2.0	2.0	2.0	2.0	2.0	
Median	2.0	2.0	2.0	2.0	2.0	2.0	
95 percentile	7.0	5.1	6.9	2.0	4.5	6.3	
No. children tested	50	46	45	8	62	43	

Table 17: Annual Blood lead levels 2018 – 2024 (All children)*

Full year	2018	2019	2020	2021	2022	2023	2024
Geometric Mean µg/dL	2.7	2.8	2.7	2.4	2.5	2.5	
Max	21.2	15.9	17.3	13.8	16.5	16.2	
Mode	2.0	2.0	2.0	2.0	2.0	2.0	
Median	2.0	2.0	2.0	2.0	2.0	2.0	
95 percentile	7.1	8.1	6.9	5.3	8.1	7.4	
No. children tested	157	201	222	160	208	199	

Methodology notes

- Blood lead levels included in the calculation were only from those children whose blood test was their first valid test for the calendar year.
- Where a child had more than one test result for the quarter, the first result was used in the analysis. However, if a venous blood lead result had been recorded, this result was used in the analysis, irrespective of its value.
- Geometric means reported here are not age-sex standardised.

**All children = Aboriginal, non-Aboriginal and Aboriginality not stated total for age group*

Prepared by: J. Watts, Public Health Unit, Health Protection; WNSWLHD. Data Source: CHOC for 2018 onwards. Date of extraction: 3.07.2024.



BROKEN HILL OPERATIONS PTY LTD

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Broken Hill Operations Pty Ltd Quarterly Activities Report June to August 2024

Occupational Hygiene Monitoring

Six-monthly Blood Lead testing on employees and required contractors was conducted in early August with no results received as yet.

The latest round of occupational hygiene sampling is being conducted in the week of 19 August and includes monitoring for inhalable dust and lead, respirable dust (crystalline silica), welding fume, and personal noise. There has previously been a focus on respiratory protection fit testing to ensure employees and contractors are using PPE correctly and the selected PPE is adequate. Fit testing will be conducted again in November.

Dust Suppressant Application

The application of Total Ground Control (TGC) dust suppressant to free (unused) areas of the site is ongoing with the increase in wind activity. Green dye is no longer used in TGC as it was unstable in UV light and separated during storage. A Dust Suppressant called Dustbinder is continuing to be used on site roads and Blackwoods TSF2 and is effective in controlling dust lift-off from road and tailings dam surfaces for approximately three months. Dustbinder has been used repeatedly on TSF2 during tailings harvesting operations to control dust lift-off.

A spray system is being installed across Cells 2 and 3 of TSF2 and tests have been successful.

Development Approval Modifications

MP 07_0018 MOD11 for the installation of a ventilation intake and extension of underground development was approved in November 2023. Particulars of the Modification applications can be viewed on the DPIE Major Projects Portal at www.planningportal.nsw.gov.au/major-projects.

Rehabilitation Strategy

The Rehabilitation Management Plan (required under the Mining Act) has been updated to align with the Rehabilitation Strategy (approved in 2023) and the latest version will replace the version currently on the website. The Rehabilitation Strategy is developed with the input of regulators and other stakeholders.

Rasp Mine Operational Updates

Toho Zinc, following a thorough review of the business plan of Rasp Mine, advised the market on the 10th November 2023 that it is not in a position to invest in the further development to sustain the operation in the medium to long term. Broken Hill Mines has since entered into a binding agreement with CBH Resources to take over Broken Hill Operations (Rasp Mine) from 31 October 2024. Operations at Rasp are continuing in parallel with the divestment process.

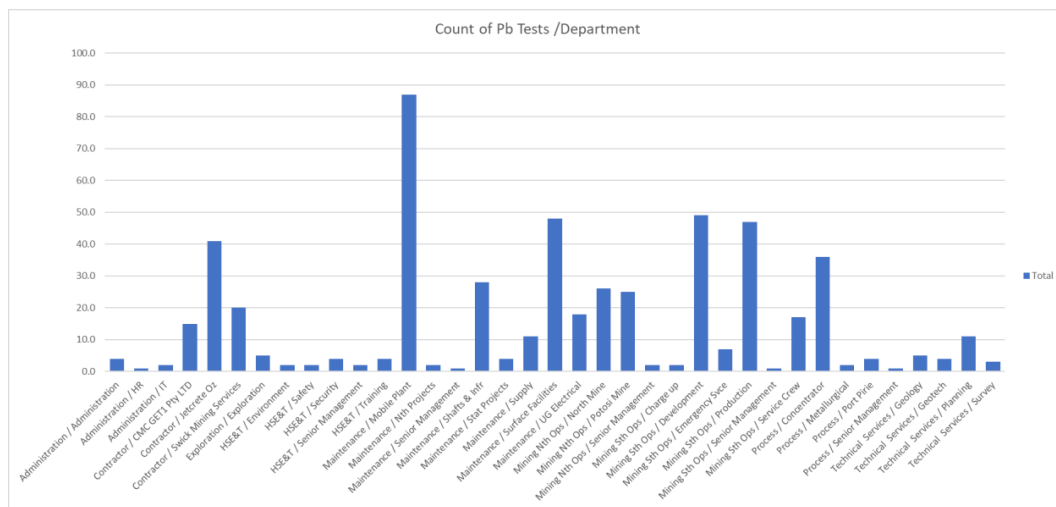
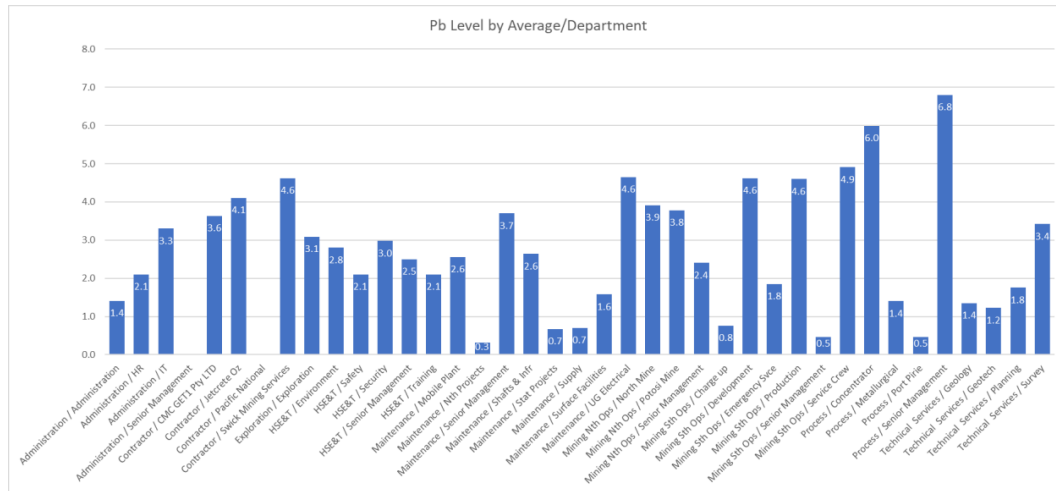
A wholly owned subsidiary of
CBH RESOURCES LIMITED



BHLRG Meeting August 2024 - Perilya Response

Occupational Hygiene monitoring

342 blood lead tests completed (slight increase detected in the contractor’s average but the vast majority (with the exception of two departments) have recorded a drop in the average pB levels



Occupational hygiene assessments have been conducted across the operations with a renewed focus on PPE compliance and workplace cleanliness.

Workplace modification

Cell 3 of the tail’s storage facility has had clay capping installed, and works are in progress to cap with soil for hydroseeding in early 2025

Improvement

Perilya is investigating the use of D-Lead® Dust Test Kit for the



The D-Lead® Dust Test Kit is a 2 step portable test for lead dust. They ship ready to use and are fast, simple, portable and provide immediate results. This kit will detect as little as 20 micrograms of lead and can be used to detect lead on the skin as well as on surfaces such as respirators, tools, clothing, towels, floors and shoes.

Use to:

1. Promote better personal hygiene by checking for lead on hands after washing
2. Check effectiveness of respirator cleaning procedures
3. Check the effectiveness of housekeeping and cleaning procedures
4. See if workers are taking lead home by testing the pedals, carpet and steering wheel in cars
5. Forensic testing for lead from bullets

Test tables, chairs, vending machines, microwaves, key boards, phones, etc. for lead contamination. Use to check for lead contamination on shoes, roofs, equipment, sidewalks and roadways around the plant or firing range.

It is not suited for detecting lead chromate or lead in water, soil, paint, oil or gasoline.

[D-Lead® Test Kit Information Sheet](#)



Adam Forster

HSE&T Manager - Broken Hill Operations

ORDINARY MEETING OF THE COUNCIL

October 11, 2024

ITEM 22BROKEN HILL CITY COUNCIL REPORT NO. 169/24

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETINGS
NO.450 AND NO.451 D24/49596

Recommendation

1. That Broken Hill City Council Report No. 169/24 dated October 11, 2024, be received.
2. That the minutes of the Local Traffic Committee – Meeting No.450, held on Tuesday, 3 September 2024 be endorsed.
3. That the minutes of the Local Traffic Committee – Meeting No.451, held on Tuesday, 1 October 2024 be endorsed.
4. That Item No.450.10.1 recommendation be received:
 - The Committee recommends denying the request to install a pedestrian crossing on Oxide Street at the Chapple Street intersection. Oxide Street is a high traffic road with multiple lanes in the area, making it unsafe for such a measure.
5. That Item No.450.10.2 recommendation be received:
 - The Committee recommends denying the request to install permanent directional signage from Brookfield Avenue to the Silver City Highway.
6. That Item No.450.10.4 recommendation be received:
 - The Committee recommends denying the request for a pedestrian crossing at the Thomas Street entrance to the hospital. The existing safety measures, including a pedestrian refuge, are deemed sufficient.

Executive Summary:

Under Guidelines published in March 2009 by the Roads and Traffic Authority (now known as Transport for NSW), entitled 'A guide to the delegation to councils for the regulation of traffic states':

'The Local Traffic Committee (LTC) has no decision-making powers and is primarily a technical review committee. It only advises the Council on matters for which the Council has delegated authority, being certain prescribed traffic control devices and traffic control facilities.

The Council must refer all traffic related matters to the LTC prior to exercising its delegated functions. Matters related to State Roads or functions that have not been delegated to the elected Council must be referred directly to Transport for NSW or relevant organisation. Such matters must not be referred to the LTC.

Council is not bound by the advice given by its LTC. However, if Council does wish to act contrary to the unanimous advice of the LTC or when the advice is not unanimous, it must notify Transport for NSW and the NSW Police and wait 14 days before proceeding.'

Report:

This report is to provide Council with the minutes and action list of the Local Traffic Committee meetings, held on Tuesday, 3 September and 1 October 2024 which details recommendations to Council for consideration or endorsement.

Strategic Direction:

Key Direction:	4.	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

- *Road Transport (Safety and Traffic Management) Regulation 1999*, and
- Road Rules 2008
- A guide to the delegation to councils for the regulation of traffic (guidelines)

Financial Implications:

Financial implications for any of the recommendations to Council will be detailed in the LTC minutes, if relevant.

Attachments

1. Minutes of the Local Traffic Committee - Meeting No.450 held on Tuesday, 3 September 2024
[↓](#)
2. Minutes of the Local Traffic Committee - Meeting No.451 held on Tuesday, 1 October 2024
[↓](#)

CODIE HOWARD
DIRECTOR INFRASTRUCTURE AND ENVIRONMENT

JAY NANKIVELL
GENERAL MANAGER

LOCAL TRAFFIC COMMITTEE

MINUTES OF MEETING No.450

Meeting held on Tuesday, 3 September 2024

Meeting commenced at 2.04pm

Location: Ground Floor Meeting Room, Council Administrative Centre

450.1 Acknowledgment of Country

Council's Director Infrastructure and Environment, Codie Howard chaired the meeting and welcomed all representatives present and recited the 'Acknowledgement of Country.'

'We acknowledge the traditional owners of the land upon which we meet today, the land of the Wilyakali people, and pay our respects to their elders; past, present and emerging.'

450.2 Present

Codie Howard	Director Infrastructure and Environment (Council Representative – Chairperson)
David Vant	Road Safety and Traffic Management, Transport for NSW (TfNSW) (Representative)
Peter Beven	Local Member Delegated Representative
Troy Johnson	Manager Infrastructure Works
Councillor Marion Browne	Councillor Delegate (Observer)
Tanya Ralph	Administrative Officer (Council - Secretariat)

450.3 Apologies - Nil

450.4 Absent

Chris Wallace	Inspector, NSW Police (Representative)
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450.5 Disclosure of Interest

450.6 Adoption of Previous Minutes

Minutes from the meeting held on **Tuesday, 6 August 2024** confirmed and approved.

All in favour Moved: David Vant Seconded: Peter Beven

450.7 Council Resolutions

The following Committee recommendations were adopted by Council at its meeting held on **Wednesday, 28 August 2024.**

Minute No.: 47643

Resolved

1. That Broken Hill City Council Report No. 135/24 dated August 19, 2024, be received.
2. That Item No.449.10.1 recommendation be received:
 - That Council have further consultation with the resident to seek clarity of the concern raised and that this matter be carried over for determination at the September 2024 meeting.
3. That Item No.446.8.3 recommendation be received:
 - The Local Traffic Committee endorses the Traffic Control Plan for the Road Closure Application, which includes closing Sulphide Street between Argent and Crystal Lane, Argent Street between Oxide and Chloride Street and a section of Chloride Street for the street parade during the Broken Heel Festival.
4. That Item No.445.10.1 recommendations be received:
 - That the Local Traffic Committee endorse the Traffic Management Plan developed by Council and the actions below to address traffic and pedestrian safety around the Broken Hill High School and Willyama High School site.
 - Install four new refuge islands on Garnet, Wolfram and Kaolin Streets.
 - Upgrade all school signage (29 signs).
 - Organise line marking, with costs for car parks covered by Public Education and other line marking by Council.
 - That the Principals of Broken Hill High School and Willyama High School be advised of the Local Traffic Committee decision.
5. That Item No.445.10.2 recommendation be received:
 - That two of the Taxi bays be changed to Uber and Ride Share bays and signs be installed for a trial period of six months.
 - Following the trial period, the Committee then review to determine if a permanent change is warranted.

Codie Howard informed the Committee of Councillor Marion Browne's end of term as a Councillor and that she would not be standing for re-election in the September 2024 NSW Local Government Elections; thus, making this meeting her last meeting as Council Observer.

The Committee acknowledged Councillor Browne's dedication to the Local Traffic Committee as Council Observer for the past 15 years.

Councillor Browne expressed her gratitude for the opportunity to serve on the Committee and shared that she has greatly enjoyed her time as an observer on the Committee.

Recommendation:

That the Local Traffic Committee thank Councillor Marion Browne for her hard work and dedication towards to the Local Traffic Committee for the past 15 years.

Moved: Codie Howard

Second: David Vant

All in favour

450.8 Correspondence In

Item No.	EDRMS No.	Details
450.8.1	D24/39786	Request for pedestrian crossing at the Oxide and Chapple Streets intersection - Slag Heap Gallery
450.8.2	D24/41565	Request for directional signs from the Mundi Mundi bash site to Wentworth Road
450.8.3	D24/41852	Willyama High School response to Council's proposed changes in the Traffic Management Plan for the Broken Hill High School and Willyama High School – Grant Shepherd (Principal)
450.8.4	D24/41845	Request for a pedestrian crossing/lollipop person at the Thomas Street entrance to the Hospital – Health Council – Far West Local Health District

450.9 Correspondence Out

Item No.	EDRMS No.	Details
446.8.3	D24/42532	Council Resolution – Broken Heel Festival Road Closure and Hoarding for the event and the Street Parade – Application Approvals

450.10 General Business

Item No.	EDRMS No.	Details
450.10.1		Transport of waste material from the demolition of the Willyama High School.
		Peter Beven enquired whether Council has a management plan in place for the transport of waste materials that will be generated from the demolition of Willyama High School. He noted that the trucks transporting the waste will be using local roads to access the Broken Hill Waste Management Facility. Codie Howard had acknowledged that a management plan was being prepared by the Department of Education and that the majority of roads to be used will be State Highway.
450.10.2		Line Marking Works
		Codie Howard informed the Committee that Council has engaged a company to undertake all line marking requirements, including recommendations resolved at Committee meetings. Central West Line Marking is scheduled to commence line marking over a period of 10 days, starting on Tuesday, 10 September 2024. Council recently engaged GTE to complete a number of urgent works, including the marking of centre double lines adjacent to Maari Ma Health, the extension of the 'Give Way' line marking on Blende Street at the Oxide Street intersection, and the parallel parking spaces near Hungry Jack's, among other tasks recommended by the Committee.

450.11 Action Item List

Date	Item Details
May 2024	Request to review parking issues on Mica Street at the Oxide Street intersection
Item No.	449.10.1
EDRMS No.	D24/39960
CRM No.	N/A
Responsible Officer	Director Infrastructure and Environment
Current Status	Pending
Date	Committee Recommendation/s
August 2024	<i>That Council have further consultation with the resident to seek clarity of the concern raised and that this matter be carried over for determination at the September 2024 meeting.</i>
Action Date	Running Actions
September 2024	Email correspondence was sent to the resident requesting clarification on the issues they are experiencing, to enable Council to investigate further before the Committee makes a recommendation. No response was received prior to the meeting. Further attempts will be made to contact the resident, and the matter will be discussed at the October 2024 meeting.
August 2024	A resident from Mica Street, between Oxide and Chloride Streets, has expressed concerns about the lack of parking in the area for resident's vehicles, as a result of patrons and staff from the Oxide Street business occupying the parking spaces. The Committee have been requested to review the parking arrangements in the Mica and Oxide Street area in question. The Committee determined that there is usually a lot of cars parking on Mica Street, as this is around the corner from a shopping complex.





The Committee decided further consultation is required with the resident to seek clarity of their concerns raised before the Committee can recommend an action. This will ensure the Committee has all necessary details to make an informed decision.

Recommendation:

That Council have further consultation with the resident to seek clarity of the concern raised and that this matter be carried over for determination at the September 2024 meeting.

Moved: Codie Howard

Second: David Vant

All in favour

Date	Item Details
September 2024	Request for pedestrian crossing at the Oxide and Chapple Street intersection – Slag Heap Gallery
Item No.	450.10.1
EDRMS No.	D24/39786
CRM No.	N/A
Responsible Officer	Director Infrastructure and Environment
Current Status	Complete
Date	Committee Recommendation/s
September 2024	<i>That the Local Traffic Committee deny the request to install a pedestrian crossing on Oxide Street at the Chapple Street intersection. Oxide Street is a high traffic road with multiple lanes in the area, making it unsafe for such a measure.</i>

Action Date	Running Actions
September 2024	<p>The Committee received a request to consider installing a pedestrian crossing on Oxide Street at the Chapple Street intersection, many pedestrians have difficulty crossing the road, due to high traffic.</p> <p>David Vant expressed his opposition to the installation of a pedestrian crossing in the area, noting that it would not meet the necessary requirements for approval by Transport for NSW. The Committee agreed with this assessment and decided not to proceed with the request for a pedestrian crossing. The decision was based on concerns regarding high traffic volumes and the impact on parking, with a combined linear length of eighty (80) metres affected by 'No Stopping' zones and bus zones. Additionally, safety concerns were raised regarding pedestrian crossings in the area. There is also a turning lane directly in front of the Slag Heap Gallery.</p> <p>Recommendation:</p> <p><i>That the Local Traffic Committee deny the request to install a pedestrian crossing on Oxide Street at the Chapple Street intersection. Oxide Street is a high traffic road with multiple lanes in the area, making it unsafe for such a measure.</i></p> <p>Moved: David Vant Second: Codie Howard All in favour</p>
Date	Item Details
September 2024	Request for directional signs from the Mundi Mundi bash site to Wentworth Road
Item No.	450.10.2
EDRMS No.	D24/41565
CRM No.	N/A
Responsible Officer	Director Infrastructure and Environment
Current Status	Complete
Date	Committee Recommendation/s
September 2024	<i>That the Local Traffic Committee deny the request to install permanent directional signage from Brookfield Avenue to the Silver City Highway.</i>
Action Date	Running Actions
September 2024	The Committee received a request from a visitor to the City to install directional signage from Brookfield Avenue to the Silver City Highway. The visitor, along with others following their lead, became lost and ended up on Pell Street after departing the Mundi Mundi Bash.

	<p>Codie Howard informed the Committee that permanent signage would not be installed, but temporary signs could be considered for the duration of the event.</p> <p>Recommendation:</p> <p><i>That the Local Traffic Committee deny the request to install permanent directional signage from Brookfield Avenue to the Silver City Highway.</i></p> <p>Moved: Codie Howard</p> <p>Second Peter Beven</p> <p>All in favour</p>
Date	Item Details
September 2024	Willyama High School response to Council's proposed changes in the Traffic Management Plan for the Broken Hill High School and Willyama High School – Grant Shepherd (Principal)
Item No.	450.10.3
EDRMS No.	D24/41852
CRM No.	N/A
Responsible Officer	Director Infrastructure and Environment
Current Status	Complete
Date	Committee Recommendation/s
Action Date	Running Actions
September 2024	<p>Council's Traffic Management Plan was forwarded to the Principals of the Willyama High School and Broken Hill High School to review and provide feedback. Willyama High School's Principal, Grant Shephard, reviewed the plan and provided suggestions to improve traffic issues addressed by the Committee. The feedback provided, is as follows:</p> <p>3.1.1 Withdraw parallel parking around perimeter at school's expense. Willyama High School does not have the funds for this.</p> <p>3.1.3 Support the disability park spaces on Wolfram Street. For this a disability ramp will need to be installed for the disability parking spaces at corner of Wolfram and Kaolin Streets, being it is too dangerous for child wheelchair access in peak times.</p> <p>3.3.7 Support the proposal of a 14 metre 'No Parking' zone on Kaolin Street to allow for drop offs and pick up of students for the Willyama High School.</p> <p>The Principal has requested that two '5-Minute' parking bays be included on Kaolin Street at the Wolfram Street intersection. These</p>

	<p>parking spaces are needed for parents picking up children (especially sick and/or injured students) during the school day.</p> <p>It was recommended that the Ficus Hillii trees be removed from the new bus zone on Wolfram Street to improve visibility and safety (matter being addressed separately to the management plan).</p> <p>Codie Howard informed Peter McBeth from the Department of Education that the Traffic Management Plan will guide the work as funding becomes available. The Committee recommended parallel parking as the best solution to the parking issue and this proposal will remain in the plan until Willyama High School secures funding for line marking.</p> <p>The Committee acknowledged the feedback received from the Willyama High School Principal.</p>
Date	Item Details
September 2024	Request for a pedestrian crossing/lollipop person at the Thomas Street entrance to the Hospital – Health Council – Far West Local Health District
Item No.	450.10.4
EDRMS No.	D24/41845
CRM No.	N/A
Responsible Officer	Director Infrastructure and Environment
Current Status	Complete
Date	Committee Recommendation/s
September 2024	The Committee recommended denying the request for a pedestrian crossing at the Thomas Street entrance to the hospital. The existing safety measures, including a pedestrian refuge, are deemed sufficient.
Action Date	Running Actions
September 2024	<p>A request has been received from the Local Health District's Director of Nursing for a pedestrian crossing or lollipop person at the Thomas Street entrance to the hospital. Committee members were asked if they could recall why similar requests were previously rejected. It was noted that a pedestrian refuge adjacent to the hospital was installed after observations were conducted on Thomas Street, which has a 40 km/h speed limit in a shared zone. The refuge allows pedestrians to cross the road in two phases, providing a safe waiting point. The Committee will review accident data in the area to assess safety concerns.</p> <p>Traffic data shows that the speed of motorists in the zone has slowed, and no significant evidence of accidents has been found. There is a pedestrian refuge in front of the hospital that pedestrians are encouraged to use. The</p>

	<p>Committee will research previous decisions and documentation regarding the installation of the refuge endorsed by the Committee.</p> <p>It was noted that lollipop persons are only designated for school zones and children's crossings.</p> <p>Recommendation:</p> <p>The Committee recommends denying the request for a pedestrian crossing at the Thomas Street entrance to the hospital. The existing safety measures, including a pedestrian refuge, are deemed sufficient.</p> <p><i>Moved : Codie Howard</i></p> <p><i>Second David Vant</i></p> <p><i>All in favour</i></p>
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450.12 Next Meeting Date: Tuesday, 1 October 2024

450.13 Meeting Close: 2.28pm

LOCAL TRAFFIC COMMITTEE

MINUTES OF MEETING No.451

Meeting held on Tuesday, 1 October 2024

Meeting commenced at 2pm

Location: Ground Floor Meeting Room, Council Administrative Centre

451.1 Acknowledgment of Country

Council's Director Infrastructure and Environment, Codie Howard chaired the meeting and welcomed all representatives present and recited the 'Acknowledgement of Country.'

'We acknowledge the traditional owners of the land upon which we meet today, the land of the Wilyakali people, and pay our respects to their elders; past, present and emerging.'

451.2 Present

Codie Howard	Director Infrastructure and Environment (Council Representative – Chairperson)
David Vant	Road Safety and Traffic Management, Transport for NSW (TfNSW) (Representative)
Chris Wallace	Inspector, NSW Police (Representative)
Peter Beven	Local Member Delegated Representative
Troy Johnson	Manager Infrastructure Operations
Tanya Ralph	Administrative Officer (Council - Secretariat)

451.3 Apologies - Nil

451.4 Absent - Nil

451.5 Disclosure of Interest - Nil

451.6 Adoption of Previous Minutes

Minutes from the meeting held on **Tuesday, 6 August 2024** confirmed and approved.

All in favour

Moved: David Vant

Seconded: Peter Beven

451.7 Council Resolutions


No Council meeting was held in September due to the 2024 NSW Local Government Elections. The meeting minutes from the September 2024 meeting, including recommendations will be presented to Council for adoption at its October 2024 Ordinary Council meeting on **Wednesday, 30 October 2024**.

451.8 Correspondence In – Nil

451.9 Correspondence Out

Item No.	EDRMS No.	Details
446.8.3	D24/42532	Council Resolution – Broken Heel Festival Road Closure and Hoarding for the event and the Street Parade – Application Approvals


451.10 General Business

Item No.	EDRMS No.	Details
451.10.1		<p>Temporary changes to parking arrangement on Thomas Street, adjacent the Far West Local Health District</p> <p>Codie Howard informed the Committee, reconstruction of Thomas Street will commence on Tuesday, 8 October 2024 and that vehicle access and on-street parking on Thomas Street, between Chloride and Sulphide Streets, will be closed. Council has installed temporary 45-degree angle parking on the Far West Local Health District side of Chloride Street and parallel parking on the opposite side, creating an additional 14 parking spaces in the area.</p> <p>Codie Howard mentioned that the temporary parking arrangements on Chloride Street will be trialled during the construction stage and may become permanent once the works are complete.</p> <div style="text-align: center;">  </div> <p>Council has consulted with the Far West Local Health District, GP Super Clinic, CDC Bus Company and residents. Arrangements are underway for the temporary relocation of the Bus Zone to Chloride Street, so that the service can be continued.</p>

451.10.2	School Zone Lights and Signs on Murton Street at the Willyama High School
	<p>Police Representative Chris Wallace inquired whether Transport for NSW has plans to remove the school zone lights on Murton Street, adjacent to the former Willyama High School. Motorists continue to be fined for exceeding the 40 km/h speed limit during school times when the lights are flashing, despite the school no longer being operational.</p> <p>David Vant advised that there is no timeline for this, as Transport for NSW cannot modify the school zone lights without guidance from the Department of Education to decommission the site. Codie Howard informed the Committee that he will contact the Department of Education to seek a determination and request they provide direction to David Vant via email.</p> <p>This matter will be discussed further at the November 2024 meeting</p>

451.11 Action Item List

451.11 Action Item List	
Date	Item Details
May 2024	Request to review parking issues on Mica Street at the Oxide Street intersection
Item No.	449.10.1
EDRMS No.	D24/39960
CRM No.	N/A
Responsible Officer	Director Infrastructure and Environment
Current Status	Pending
Date	Committee Recommendation/s
August 2024	<i>That Council have further consultation with the resident to seek clarity of the concern raised and that this matter be carried over for determination at the September 2024 meeting.</i>
Action Date	Running Actions
October 2024	<p>No response has been received from the resident regarding parking concerns on Mica Street between Chloride and Oxide Streets.</p> <p>The Committee agreed to send a follow-up email, advising the resident that if no response is received before the next scheduled meeting, the matter will be closed and no action will be taken by the Local Traffic Committee.</p>
September 2024	The Committee Email correspondence sent to the resident requesting clarification on the issues they are experiencing, to enable Council to investigate further before the Committee makes a recommendation. No response was received prior to the meeting. Further attempts will be made to contact the resident, and the matter will be discussed at the October 2024 meeting.

<p>August 2024</p>	<p>A resident from Mica Street, between Oxide and Chloride Streets, has expressed concerns about the lack of parking in the area for resident's vehicles, as a result of patrons and staff from the Oxide Street business occupying the parking spaces.</p> <p>The Committee have been requested to review the parking arrangements in the Mica and Oxide Street area in question.</p> <p>The Committee determined that there is usually a lot of cars parking on Mica Street, as this is around the corner from a shopping complex.</p>  <p>The Committee decided further consultation is required with the resident to seek clarity of their concerns raised before the Committee can recommend an action. This will ensure the Committee has all necessary details to make an informed decision.</p> <p>Recommendation:</p> <p><i>That Council have further consultation with the resident to seek clarity of the concern raised and that this matter be carried over for determination at the September 2024 meeting.</i></p> <p><i>Moved: Codie Howard</i></p> <p><i>Second: David Vant</i></p> <p><i>All in favour</i></p>
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451.12 Next Meeting Date: Tuesday, 5 November 2024

451.13 Meeting Closed: 2:15pm

ORDINARY MEETING OF THE COUNCIL

September 27, 2024

ITEM 23

BROKEN HILL CITY COUNCIL REPORT NO. 170/24

SUBJECT: MINUTES OF THE S355 YOUTH ADVISORY COMMITTEE MEETING
HELD 13 AUGUST 2024 D24/47371

Recommendation

1. That Broken Hill City Council Report No. 170/24 dated September 27, 2024, be received.
2. That the minutes of the S355 Youth Advisory Committee meeting held on 13 August 2024 be received.

Executive Summary:

Minutes of the S355 Youth Advisory Committee meeting held on 13 August 2024 and are presented to Council for endorsement.

Report:

As per Council's Section 355 Advisory Committee Framework Manual and the Constitution of the Youth Advisory Committee (both adopted March 2022), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

Community Engagement:

Minutes provided to the S355 Youth Advisory Committee members.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

The S355 Youth Advisory Committee operates under Council's Advisory Committee constitution and the *Local Government Act 1993*.

Financial Implications:

Nil

Attachments

1. [Minutes of the 355 Youth Advisory Committee Meeting - 13 August 2024](#)

RAZIJA NU'MAN
DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL
GENERAL MANAGER

MINUTES OF THE SECTION 355 YOUTH ADVISORY COMMITTEE MEETING HELD TUESDAY, 13 AUGUST 2024 AT 3PM – GROUND FLOOR MEETING ROOM, COUNCIL ADMINISTRATIVE BUILDING

22/148

1. Present

Councillor Darriea Turley AM	Council Delegate
Angie Krause	YMCA Representative (Chair)
Alison Howse	Community Development Officer (BHCC)
Erin Gageler	Administration Officer (Minute Taker BHCC)
Fabian Sampson	Youth Advisory Group
Qu Kobac	Polish Exchange Student

Present via Teams

Lisa Browne	YMCA Representative
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2. Apologies

Razija Nu'man	Director Corporate and Community (BHCC)
Rachel Merton	Community Development Coordinator (BHCC)
Councillor Michael Boland	Council Delegate
Jim Richards	FWLHD Representative
Mel Chynoweth	Community Representative
Adam McLean	Department of Regional NSW
Larni Brymer	Headspace

Absent

Tegan Hinchey-Gerard	Community Representative
Sophie Doust	Headspace
Lyndon Gray	Community Representative

3. Acknowledgement of County:

Acknowledgement of County – Angie Krause

4. Confirmation of Minutes of Previous Meeting:

Previous Meeting: Tuesday, 14 May 2024

Moved: Councillor Darriea Turley AM

Seconded: Alison Howse

5. Business arising from Previous Minutes:

Nil

6. Action List:

6.1 Terms of Reference – Youth Representatives

Update: Council have approved in the budget the allocation of \$50 gift cards, which have been purchased.

Outcome: Action Complete. To be removed from the action list.

6.2 Enhancing the Voice of Youth

Update: The Terms of Reference have not yet been circulated to the Committee as they are in review due to Council now being in caretaker mode.

Action: Ongoing

6.3 School Exit Survey

Update: Alison Howse emailed the High Schools on several different occasions with no response to date. Angie Krause advised she has connections with the schools so will follow up with them.

Action: Ongoing - Angie Krause to seek clarification from the High Schools for their exit strategies.

7. General Business:

7.1 Youth Advisory Group Consultations

Angie Krause asked whether youth action groups or organisations that are running consultations in Broken Hill can utilise the Youth Advisory Group to participate in these consultations. Alison Howse said it would be possible, dependant on scheduling but Headspace would be the best reference group to make enquiries to.

7.2 Alternative Suspension Program

Lisa Browne and Angie Krause presented the Alternative Suspension Program. The program was launched in Broken Hill in Term 3 of 2024 and has seen 6 referrals in less than one month from the program starting. Further information on the program can be found in the attached document.

Students in the Far West region are eighteen times more likely to be suspended from school compared to students in the Northwest Sydney area.

The Committee discussed reasons behind the higher number of suspensions in the Far West. Aboriginal and Torres Strait Islander students and those with disabilities are highly represented in Broken Hill, as well as students who deal with family and domestic violence, abuse, and neglect.

The program has significant support from families, carers and schools which is needed to be successful, and teachers have seen the benefits of the program. Councillor Turley asked how many people in Broken Hill can deliver the program. Currently only Angie Krause facilitates the program, but the YMCA is actively recruiting for a second role to be filled.

Lisa Browne advised the Committee that the YMCA has completed a paper on the Alternative Suspension Program in Broken Hill. Angie Krause is to circulate the paper to the Committee members.

Lisa Browne advised that updated data from the program will be made available in the next month or so and will provide that data to the Committee members when it becomes available.

Councillor Turley asked the Youth Advisory Group representative Fabian Sampson about suspensions at his school. Fabian has noticed that students who do get suspended are likely to get suspended again in that same school year. Angie Krause advised that the program is aimed at these types of students in the hope that those suspensions will stop.

- 8. Next Meeting:** 3pm Tuesday, 12 November 2024 - Ground Floor Meeting Room.

Meeting Closed: 4pm

ITEM NUMBER	ACTION	RESPONSIBLE	DUE
Meeting Held 5 March 2024			
Item 7.2 Rolling Issues List	Action Rolling issues list to be created.	Council's Administration Officer	
Meeting Held 14 May 2024			
Item 6.2 Enhancing the voice of Youth	Action Terms of Reference to be circulated to the Committee. Feedback to be sought from members of the Committee.	Council's Community Development Officer	Ongoing
Update: Meeting held 13 August 2024	Update: Terms of Reference to be circulated once Council is out of caretaker mode.		
Item 7.1 School Exit Survey	Action Council's Community Development Officer to contact the High Schools to enquire if exit surveys are completed with students who leave school before completing their Higher School Certificate.	Council's Community Development Officer	Ongoing
Update: Meeting held 13 August 2024	Update: Angie Krause to seek clarification from the High Schools for their exit strategies.	Angie Krause	
Meeting Held 13 August 2024			
Item 7.2 Alternative Suspension Program	Action Angie Krause to provide a flyer and the paper created by the YMCA that includes more information on the Alternative Suspension Program in Broken Hill to the Committee members. Lisa Browne to provide updated data from the program when it becomes available to the Committee members.	Angie Krause Lisa Browne	12 November 2024

ORDINARY MEETING OF THE COUNCIL

August 30, 2024

ITEM 24

BROKEN HILL CITY COUNCIL REPORT NO. 171/24

SUBJECT: MINUTES OF THE S355 AGEING WELL ADVISORY COMMITTEE MEETING HELD 7 AUGUST 2024 D24/42468

Recommendation

1. That Broken Hill City Council Report No. 171/24 dated August 30, 2024, be received.
2. That the minutes of the S355 Ageing Well Advisory Committee meeting held 7 August 2024 be received.

Executive Summary:

Council has received minutes from the S355 Ageing Well Advisory Committee meeting held 7 August 2024.

Report:

As per Council’s Section 355 Advisory Committee Framework Manual (adopted 30 March 2022) and the 355 Ageing Well Committee Terms of Reference (adopted 27 April 2022), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

Community Engagement:

Community engagement occurs through Section 355 Ageing Well Advisory Committee which includes a range of Aged Care sector service providers and community representatives.

Strategic Direction:

Key Theme:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

The S355 Ageing Well Advisory Committee Terms of Reference
Local Government Act 1993

Financial Implications:

Nil

Attachments

1. [↓](#) S355 Ageing Well Advisory Committee - Meeting Minutes - 7 August 2024
2. [↓](#) SWS Aged Care Reform presentation July 2024

RAZIJA NU'MAN
DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL
GENERAL MANAGER

MINUTES OF THE SECTION 355 AGEING WELL COMMITTEE MEETING HELD 7 AUGUST 2024 AT 3.00PM – GROUND FLOOR MEETING ROOM, COUNCIL ADMINISTRATIVE BUILDING 22/86

1. Present

Clr Bob Algate	Council Delegate (Chair)
Alison Howse	Community Development Officer (BHCC)
Julua Hamel	Community Representative
Judy Parr	Kirinari Representative
Cindy Richards	LiveBetter Representative
Nyrie Waite	Administration Officer (BHCC)
Erin Gageler	Administration Officer (Minute Taker BHCC)

Present via Teams

Melissa Welsh	Far West Local Health District
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2. Apologies

Clr David Gallagher	Council Delegate
Razija Nu'man	Director Corporate and Community (BHCC)
Bernard Nankivell	Southern Cross Care Representative
Rachel Merton	Community Development Coordinator (BHCC)
Irene Davey	Community Representative

Did not attend

Owen Wyman	Community Representative
Mel Chynoweth	Community Representative
Clr Ronald Page	Council Delegate

3. Acknowledgement of Country

4. Confirmation of Minutes of Previous Meeting

Confirmation of minutes from meeting held 1 May 2024

Moved: Judy Parr
Seconded: Alison Howse

5. Correspondence

Nil

6. Business Arising from Previous Minutes

Councillor Algate enquired about the presentation from Southern Cross Care Broken Hill – The Future of Aged Care in Our Region - on 1 May 2024 by Mr Nankivell. The report seemed to omit information about the new merger with Southern Cross Care QLD and whether there will be any noticeable improvements in the short term regarding freeing up beds.

Judy Parr advised there was mention of administration processes and compliance but there was no mention of the number of beds.

Melissa Welsh advised the FWLHD are hoping the merger with Southern Cross Care QLD will free up beds, but they have not yet been advised that this is the case at this point.

7. Action List

7.1 Changes to the Aged Care Act

Council's Community Development Officer Alison Howse to email the Committee the changes to the Aged Care Act from Paul Sadler Consultancy – Update on Aged Care Reform & Strengthened Aged Care Quality Standards, dated 31 July 2024.

8. General Business

8.1 Aged Care Act

Alison Howse advised that the Aged Care Act has been postponed until July 2025, with it being tabled in Parliament this week. Judy Parr advised it has a possible commencement date of July 2025, but this is yet to be confirmed.

Councillor Algate asked if there would be any big changes.

Judy Parr advised that some things which were omitted from the previous Act are now being included in the new Act. Other amendments that may occur were also discussed.

Alison Howse will email all Committee members the Update on Aged Care Reform & Strengthened Aged Care Quality Standards by Paul Sadler Consultancy, which outlines changes to the Act.

Judy Parr requested the wording in Item 7.3 in the previous meeting minutes be amended to read *quality standards* rather than *quality of standards*.

Councillor Algate asked if there is anything that is likely to incur big expenditures.

Judy Parr advised there are no criminal penalties in the current Act, but these will be included in the new Act, where providers will be liable for non-compliance issues.

Councillor Algate asked if there is a need for an increased number of providers in regional areas.

Committee members agreed that there is a need for this, as many providers are already at capacity.

8.2 Bed Numbers

Councillor Algate raised concerns surrounding the number of Aged Care residents taking up bed space in the hospital while there are vacant beds at the nursing home.

Melissa Welsh advised that an agreement was made where a certain number of patients would be taken by the local nursing home from the hospital, however this has not occurred for quite some time. There are currently 11 people in the hospital waiting for placement and an additional 5 waiting to be assessed as needing that level of care.

There were initially 16 patients over the course of a few weeks that were able to be moved, but since then none have been able to be placed. Patients with challenging behaviours are facing difficulties in being placed with a provider capable of delivering the appropriate level of care.

The Committee asked if the issue finding placement for challenging patients is becoming more common and noted that the problem may get worse with the ageing population, and lack of adequately trained staff to manage these patients.

Melissa Welsh advised there are regulations around least restrictive practices. Previous decisions allowed interventions to be used to support the management of people with challenging behaviours, which are no longer permitted.

The FWLHD assess bed capacity every day. Melissa Welsh advised that the bed occupancy up until recent years wasn't exceeding capacity and had been sitting at approximately 60-80%. Since COVID there has been a shift, with the number of beds being filled with people waiting for placement, and those that have difficulty accessing NDIS packages and care. Consequently, these patients can be in hospital for much longer than their condition requires them to be.

More people seem to be presenting to hospital for a variety of medical issues since COVID. It was anticipated that during COVID people weren't accessing care for chronic diseases or preventative measures and the impact of foregone care over that two-year period is potentially now being felt by the system more broadly. Patients present to the emergency department when they are unable to access their GP, which is impacting bed capacity.

8.3 Reclassification of MMM3 to MMM6 Taskforce

Alison Howse raised the recommendations previously made for postponing the taskforce for the MMM3 reclassification. This was pending the outcome of the Working Better for Medicare Review. This information was to be shared in July, but nothing has yet been received.

Councillor Algate asked where this information is coming from. Alison advised the Government is to release this information.

Melissa Welsh was asked by Alison Howse if she has received any information regarding this reclassification. Melissa confirmed that the FWLHD is still classified as an MMM3, and they have not received any further information on the Review.

9. Next Meeting

3pm on Wednesday, 6 November 2024

10. Meeting Closed:

3.35pm

Action List:

ITEM NUMBER	ACTION	RESPONSIBLE	DUE
Meeting held 7 August 2024			
7.1 Changes to the Aged Care Act	Action Council's Community Development Officer Alison Howse to email the Committee the changes to the Aged Care Act from Paul Sadler Consultancy – Update on Aged Care Reform & Strengthened Aged Care Quality Standards.	Council's Community Development Officer	6 November 2024



Update on Aged Care Reform & Strengthened Aged Care Quality Standards

PAUL SADLER

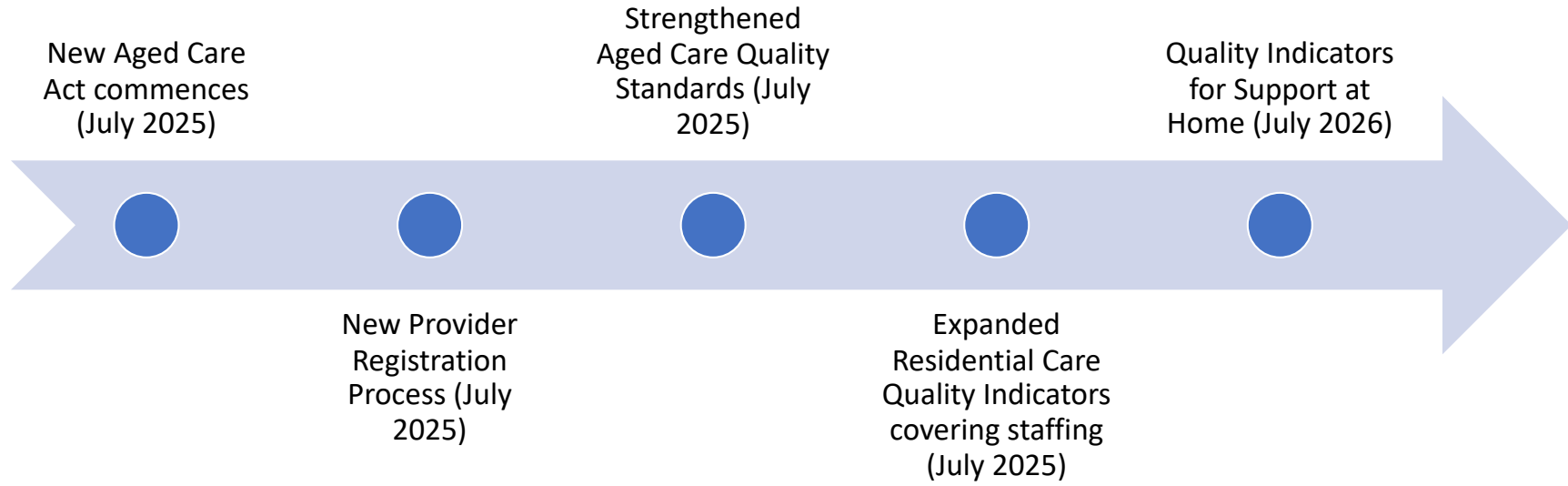
SWS CHSP Forum, 31 July 2024

Section One

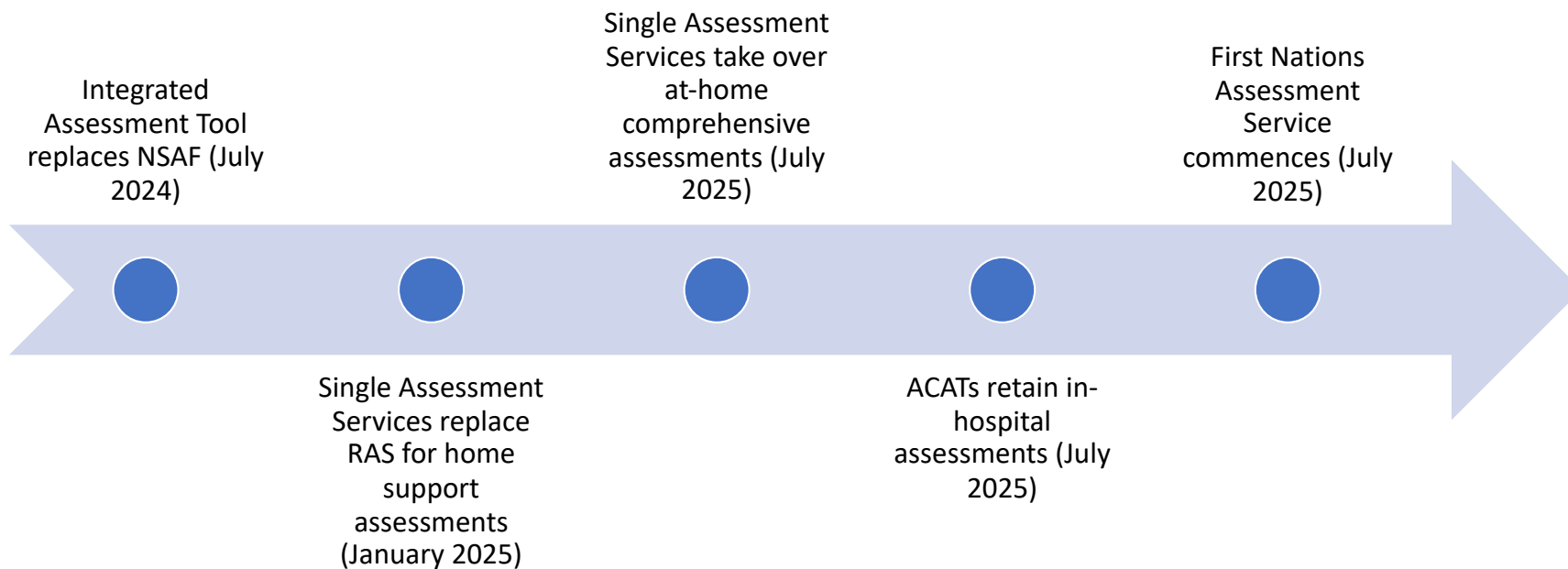
Aged Care Reform Roadmap

Prepared by Paul Sadler Consultancy
for Inner West Sector Support & Development Service
NSW Ethnic Communities Council

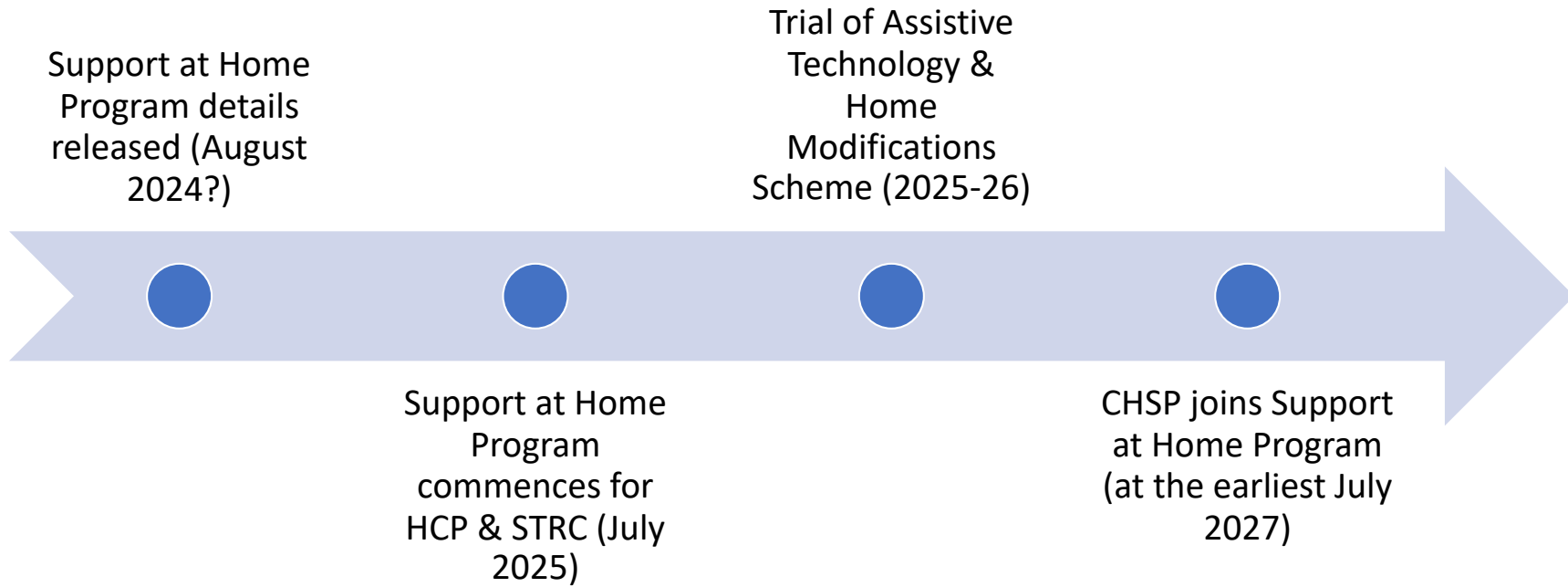
Provider Registration & Quality



Single Assessment System



Support at Home



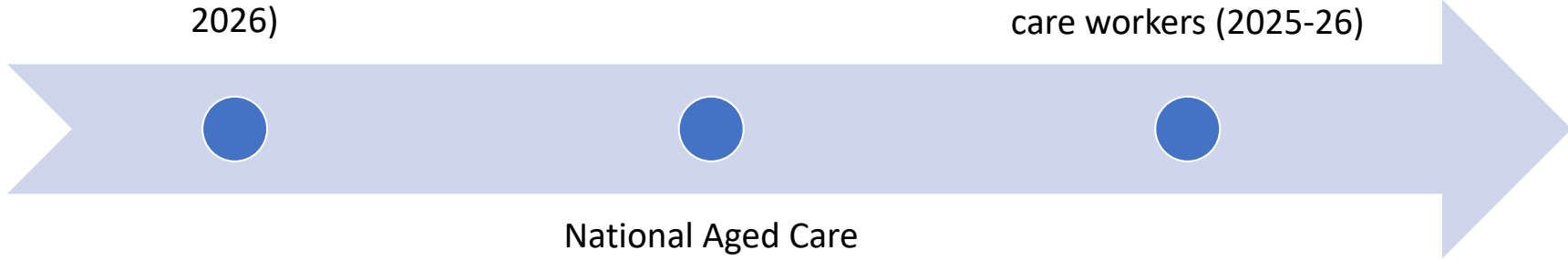
Aged Care Workforce



Home Care Workforce
Support Program
extended for 2 years
(March 2024 – March
2026)

English language and
ongoing training
requirements for personal
care workers (2025-26)

National Aged Care
Worker Screening (July
2025)



Section Two

Federal Budget

Federal Budget: Home Care



- \$531.4 million to release 24,100 additional home care packages in 2024–25
- \$174.5 million over two years from 2024–25 to fund the ICT infrastructure needed to implement the new *Support at Home Program* and Single Assessment System from 1 July 2025
- \$37.0 million over two years from 2024–25 to reduce wait times for the My Aged Care Contact Centre due to increased demand and service complexity
- \$21 million per annum taken from Commonwealth Home Support Program (CHSP) and reassigned to other aged care programs
 - CHSP expected to grow by \$400 million over next three years

Federal Budget: Residential Care



- \$1.2 billion over five years from 2023–24 for sustainment of, and essential enhancements to, critical aged care digital systems so they remain legislatively compliant and contemporary and can support the introduction of the new Aged Care Act from 1 July 2025
- \$7.8 million over two years from 2024–25 to extend funding to aged care service providers in thin markets as they transition their business operations to accommodate the new Australian National Aged Care Classification (AN-ACC) funding model
- \$4.1 million over three years from 2023–24 to undertake ICT preparation work to configure the new Basic Care Tariffs in the AN-ACC funding model

Federal Budget: Workforce



- Commitment to fund Fair Work Commission decision on increasing aged care worker wages
- \$65.6 million over four years from 2024–25 to attract and retain aged care workers, collect more reliable data, and improve the outcomes for people receiving aged care services through existing aged care workforce programs
- \$21.6 million over three years from 2024–25 to extend the *Home Care Workforce Support Program* for an additional three years to facilitate the growth of the care and support workforce in thin markets
- \$10.8 million over two years from 2024–25 to extend the *Palliative Aged Care Outcomes Program* and the *Program of Experience in the Palliative Approach* program to continue to upskill the aged care and primary care workforce to further embed palliative care capacity in the aged care workforce

Section Three

Exposure Draft of Bill for a New Aged Care Act

New Aged Care Act timelines



8 September 2023	Public consultation on Foundations of the new Aged Care Act closed
8 March 2024	Public consultation on Exposure Draft of the Bill for a new Aged Care Act closed
30 May 2024	Report on Exposure Draft consultations released: https://www.health.gov.au/sites/default/files/2024-05/a-new-aged-care-act-exposure-draft-consultation-feedback-report.pdf
August 2024	Probable introduction of Bill to Parliament
July 2025	Commencement of new Aged Care Act

What's Changing?



Existing	New
Approved provider	Registered provider and associated provider
Three categories: home care; flexible care; residential care	Six categories of registered provider
CHSP sits outside Aged Care Act	CHSP to be included in Aged Care Act
Charter of Aged Care Rights in Principles	Statement of Rights in the new Act itself
Limited pathways for ACQSC to take action if provider breaches their obligations	Targeted steps for ACQSC to take if provider breaches their obligations
Provider obligations dispersed through Act and Principles	Provider obligations outlined in one section of new Act
No civil or criminal penalties in Aged Care Act	Civil and criminal penalties apply in new Act
No duty of care outlined	Statutory duty of care outlined in Act
8 standards apply to virtually all providers	Enhanced 7 standards do not apply to all registration categories

Section Four

Support at Home

Support at Home – Big Changes



- DoHAC announced some big changes to the plans for Support at Home in December 2023
- The biggest was a further delay to CHSP services joining S@H until at least mid 2027
- Another was retention of the single provider model in HCP until at least 2027
- We remain alert (but not alarmed) for more details soon

Section Five

Strengthened Aged Care Quality Standards & New Provider Obligations

Registration Categories



DRAFT – Proposed registration categories

Provider registration category	Description	Service types	Application to registration categories			
			Provider obligations	Code of Conduct	Aged care quality standards – core 1-4	Aged care quality standards – module 5-7
Category 1	Home and community services	<ul style="list-style-type: none"> Domestic assistance Home maintenance and repairs Meals and nutrition Transport 	✓	✓		
Category 2	Assistive technology and home modifications	<ul style="list-style-type: none"> Goods, equipment and assistive technologies (non-digital) Home modifications 	✓	✓		
Category 3	Advisory services	<ul style="list-style-type: none"> Care management (basic) Assistance with care and housing Specialised supports 	✓	✓		
Category 4	Personal and Social care in the home or community (including respite)	<ul style="list-style-type: none"> Transition care services Allied health Personal care Social support and community engagement Flexible, Centre-based and cottage respite 	✓	✓	✓ Standard 1: The Person Standard 2: The Organisation Standard 3: The Care and Services Standard 4: The Environment	
Category 5	Nursing and complex care management	<ul style="list-style-type: none"> Nursing Care management (complex) 	✓	✓	✓ Standard 1: The Person Standard 2: The Organisation Standard 3: The Care and Services Standard 4: The Environment	✓ Standard 5: Clinical Care
Category 6	Residential care	<ul style="list-style-type: none"> Accommodation Services Care and services Residential respite 	✓	✓	✓ Standard 1: The Person Standard 2: The Organisation Standard 3: The Care and Services Standard 4: The Environment	✓ Standard 5: Clinical Care Standard 6: Food and Nutrition Standard 7: The Residential Community

Provider Obligations in Draft Aged Care Act

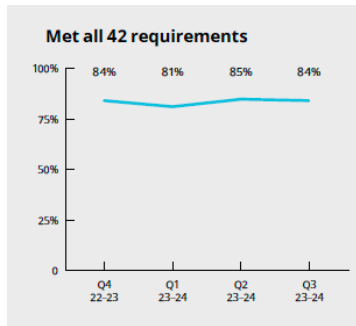
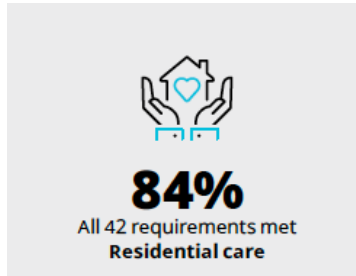


- Registration requirements:
 - *General* such hold an ABN and demonstrate suitability of organisation and responsible persons to provide aged care
 - *Category specific* to the type of service to be provided
- Aged Care Code of Conduct
- Worker screening
- Rights and Principles
- Personal information and record keeping
- Fees and payments
- Incident management (SIRS)
- Provider governance requirements
- Restrictive practices
- Delivery of funded aged care services or ceasing the provision of them
- Compliance with Commonwealth, state and Territory law and reporting requirements
- Responsible persons must notify provider of a change in circumstances regarding suitability
- Aged Care Quality Standards (*where applicable*)
- Financial and prudential standards (*residential care only*)

Compliance with Existing Standards



- Current Aged Care Quality Standards came into effect in 2019

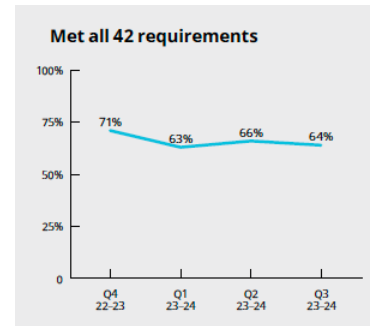
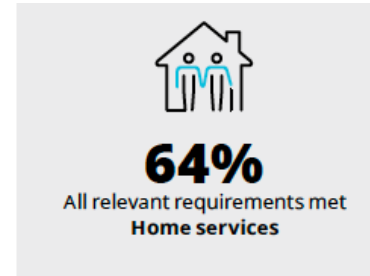


Compliance higher in:

- Medium and large size providers
- Not-for-profit providers

Most common non-compliance:

- Standards 2, 3 & 8



Most common non-compliance:

- Standards 2, 7 & 8

New Aged Care Quality Standards



The Standards and the new Aged Care Act



Existing and New Standards



- Comparison of existing to new standards
 - New Standard 1 = existing Standard 1
 - New Standard 2 = existing Standards 6, 7 & 8
 - New Standard 3 = existing Standards 2 & 4 and part of 3
 - New Standard 4 = existing Standard 5
 - New Standard 5 = most of existing Standard 3
 - New Standards 6 & 7 are brand new but contain elements taken from existing Standards
- 146 actions under 7 Aged Care Quality Standards:
 - 14% align with existing standards
 - 10% align with existing provider responsibilities
 - 63% clarify existing requirements
 - 13% introduce new concepts or enhanced expectations

New Requirements in Standards



- 2.2.2 Governing bodies to undertake strategic and business planning, particularly addressing access for First Nations and people with dementia
- 2.3.2 Show investments in priority areas deliver improved outcomes
- 2.3.4 Report regularly on quality system to older people, carers and workers
- 2.8.2 Support and maintain a satisfied and psychologically safe workforce
- 2.10 Emergency and disaster management planning, including engagement with older people, carers and workers, and regular testing

New Requirements in Standards



- 3.2.6 Have a system to identify and review skills and strengths of people with dementia and encouraging their use on a daily basis
- 3.3.4 Identify and match older people to their care and services
- 5.1.4 Provider to agree with health professionals on respective roles, responsibilities and protocols for providing clinical care
- 5.1.5 Work towards implementing a digital clinical information system
- 5.3.2 Have processes to ensure medication reviews are conducted and to specify when they must occur
- 5.3.5 Report adverse medicine and vaccine events
- 5.3.6 Regularly review and improve effectiveness of system for safe and quality use of medicines

Tips for Preparing for New Standards



1. Take a stocktake of your current situation first
 - Any areas you're working on in your CI plan for the current standards
 - Look where the Commission tells us to look, i.e. new or clarified expectations
2. Focus on developing or adjusting policies and procedures
3. Work out a plan for how you will implement change
 - Training of staff and volunteers
 - Systems (including software)
 - Practice documentation and resources
 - Communicating changes to consumers
4. Work out what reports your governance body and senior management will need to monitor progress and performance

Section Six

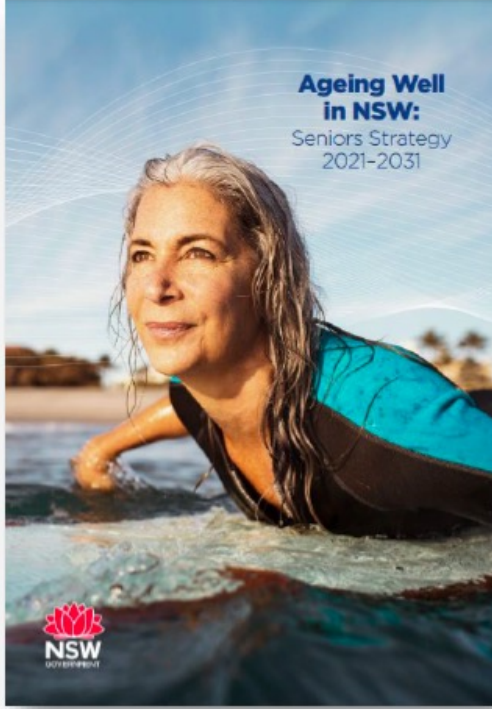
MACA Forum on Healthy Ageing

MACA Forum



- Ministerial Advisory Council on Ageing held a forum at Parliament House, Sydney on 10 July 2024
- Focus was on health services for older people
- Three key areas covered:
 - Healthy ageing
 - Pathways between health and aged care
 - Oral health
- Invited attendees included Ministry of Health and Department of Communities & Justice staff, academics, health practitioners, seniors peak bodies, ACCPA, CALD and First Nations representatives

Strategic alignment



The Centre for Population Health has a suite of healthy ageing offerings to support older adults



Active and Healthy Exercise Directory



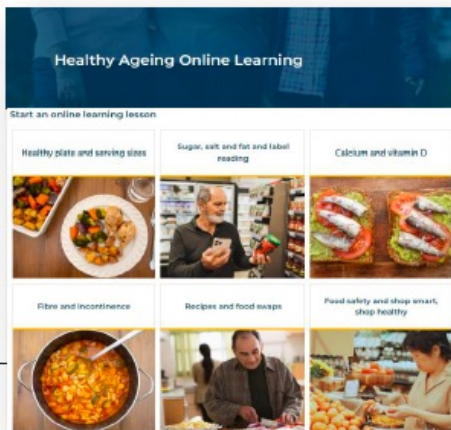
Get Healthy Service



LHD Healthy Ageing Funding

- Provide equitable access to prevention activities to increase physical activity.
- Focus on priority populations.
- Address gaps in availability of physical activity opportunities.
- Work with local councils to support development of safe and accessible public open spaces.

Healthy Ageing Online Learning



Stepping On



Healthy Eating Active Living Social Media Channels



The Get Healthy Service (GHS) is a free phone and online-based healthy coaching service



GHS supports people over 16 years of age living in NSW to make lifestyle changes.

The program can support people to:

- set and achieve their health goals
- eat well and keep active
- reduce alcohol
- reach and stay at a healthy weight
- stay active during and after cancer treatment

GHS can be accessed by individuals, and health professionals can refer patients to the service via their website: www.gethealthynsw.com.au

GHS uses evidence-based behaviour change and goal-setting techniques to support individuals to achieve health outcomes.

Testimonials



ELIZABETH

63 Years Old | Get Healthy participant

"My husband eats a lot better, not a lot of junk, but if he indulges I can say no and not let it worry me which makes me feel better in myself."



JOE

60 Years Old | Get Healthy participant

"Being able to make positive life changes, and being able to do that in front of friends and family has been important"

Stepping On is a 7-week falls prevention program



It is for older adults aged 65 years and over and Aboriginal adults aged 45 years and over.

- A number of LHDs and partner organisations deliver Stepping On
 - Stepping On programs are listed on the Active and Healthy exercise directory
 - Great program to offer community members and patients as it teaches participants how to reduce their risk of falling and how to maintain independence
 - The Stepping On website includes information on upcoming training workshops: www.steppingon.com
 - Training is mandatory for those who want to deliver Stepping On
 - Program handouts and materials are available for download on the Stepping On website
-



Pathways between Health & Aged Care



- Scale of issue in NSW at end of June 2024:
 - 1,158 patients in hospital awaiting NDIS placement or residential aged care
 - 762 people had stayed longer in hospital than the date they were ready for discharge, taking up 36,957 days
 - Average patient ready for discharge spends 48 days in hospital
 - \$40 million cost per annum
- Prof Kathy Eagar and Paul Sadler have been commissioned by Community Industry Group to examine 'hospital bed block' in Illawarra Shoalhaven LHD
 - Issues for residential care homes include staffing difficulties, GP unavailability, environmental design and resident characteristics such as need for bariatric care or behavioural and psychological symptoms of dementia.
 - Local factors at work include planning blockages, local geography, and lack of core infrastructure such as multipurpose services or specialist dementia care units

Improving the Health/Aged Care Interface



- Better integration of health and aged care systems would include:
 - Aged care adopting a service model that is both competent clinically and engaging socially
 - Strengthening the health and aged care workforce by adopting an extended scope of practice for various health professionals including nurse practitioners
 - Maintaining the COVID pandemic cooperation between LHDs, PHNs and aged care providers
- Greater investment in Sub-Acute Care Services, especially geriatric evaluation and management [GEM], psychogeriatric and rehabilitation beds, in line with population ageing and growth

Investments into Health/Aged Care Interface



- Health care services for older people including extra funding for the health aged care interface were a feature of the 2024 Federal Budget. These included:
 - \$882.2 million to ensure that older Australians get the medical support they need
 - As part of the \$1.2 billion Strengthening Medicare package in the 2024–25 Budget, states and territories will be funded to upskill the residential aged care workforce, deliver hospital outreach services in the community, provide virtual care services, and deliver complex care for older people outside of the hospital
 - \$190 million will help older Australians recover from a hospital stay with short-term care through the extended Transition Care Program
 - \$30.4 million over three years from 2024–25 to states and territories to continue to deliver the *Specialist Dementia Care Program*

Investments into Health/Aged Care Interface



- As part of a 2024 NSW Budget \$480.7 million investment to ease pressure on emergency departments, additional funding is available for:
 - **Hospital in the Home** will receive a boost of **\$31.4 million** to expand capacity and increase the use of virtual care. This funding will support a scaling up of services. This enhancement will allow an estimated 3,500 additional patients to be cared for safely in the comfort of their home, rather than in a hospital bed, on top of the 5,300 currently cared for under this program each year
 - New **patient flow concierge roles** are being created. These roles will support clinical staff to facilitate patient flow and better co-ordinate the discharge processes. This will enhance patient communication and experience, including for patients awaiting discharge who are National Disability Insurance Scheme recipients or residential aged care residents
 - The package also includes funding for new technology that will help clinical staff to identify patients who are suitable for discharge, earlier, allowing people to recover at home with appropriate supports

Oral Health



- Older people have higher oral health care needs
- Prevention is essential for older people to maintain a healthy, functional mouth. Regular dental checkups can assist with prevention and timely intervention
- There should be a focus on improving oral health education and practices in residential aged care facilities
- Australia has placed dental treatment outside Medicare. There is a need for a national Seniors Oral Health Scheme
- In the meantime, NSW Health should increase investment in public dental health programs



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ORDINARY MEETING OF THE COUNCIL

August 27, 2024

ITEM 25

BROKEN HILL CITY COUNCIL REPORT NO. 172/24

SUBJECT: MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE MEETING HELD 13 AUGUST 2024 D24/41698

Recommendation

1. That Broken Hill City Council Report No. 172/24 dated August 27, 2024, be received.
2. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held 13 August 2024 be received.
3. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held 10 September 2024 be received.
4. That the minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting held 8 October 2024 be received.

Executive Summary:

Council has received minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meetings held 13 August 2024, 10 September 2024 and 8 October 2024 for endorsement by Council.

Report:

As per Council’s Section 355 Asset Committee Framework Manual and the Constitution of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee (both adopted March 2022), the Committee is required to provide Council with a copy of their meeting minutes following each Committee meeting.

Community Engagement:

Minutes provided to Section 355 Friends of the Flora and Fauna of the Barrier Ranges Community Committee members.

Strategic Direction:

Key Direction:	4.	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

The Friends of the Flora and Fauna of the Barrier Ranges Community Committee operates under Council's Section 355 Asset Committee Constitution and the *Local Government Act 1993* (Section 355).

Financial Implications:

Nil

Attachments

1. Minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting 13 August 2024
[↓](#)
2. Minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee Meeting 10 September 2024
[↓](#)
3. Minutes of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee - 8 October 2024
[↓](#)

RAZIJA NU'MAN
DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL
GENERAL MANAGER

MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE, S355 MEETING 12/51

Meeting held on Tuesday, 13 August 2024

Meeting commenced at 6pm

Location: Council Chambers, Administrative Centre, 240 Blende Street.

Minutes Taker: Darrell Ford

1. Present

Darrell Ford	Living Desert Ranger (BHCC)
Councillor Marion Browne	Council Delegate
Jeff Crase	Community Representative
Gaylene Ford	Community Representative
Narelle Tweedie	Community Representative
Karen Ford	Community Representative
Michael Ford	Community Representative
John Rogers	Community Representative
Greg Edwards	Community Representative

2. Apologies

Ann Evers	Community Representative
Paul Reed	Community Representative
Councillor Darriea Turley	Council Delegate
Rick Hall	Community Representative
Merran Coombe	Community Representative
Nick King	Living Desert Ranger (BHCC)
Jasmin Fryer	Living Desert Ranger (BHCC)

3. Non-Attendance

Kellie Scott	Community Representative
Evan Scott	Community Representative
Jamie Scott	Community Representative
Emily Scott	Community Representative

4. Confirmation of Minutes from Previous Meeting

Minutes from the meeting held on Tuesday, 9 July 2024 were confirmed at this meeting.

Moved: Narelle Tweedie

Seconded: Gaylene Ford

5. Committee Nominations

Nil

6. Business arising from Previous Minutes

Nil

7. Correspondence

7.1 Tourism Destination NSW

Tourism Destination visited the Living Desert on Tuesday, 13 August 2024.

8. Update on Action List Items

8.1 Cement Paths

No Update

8.2 Improve Roadworks

No Update

8.3 Infrastructure Improvements

Update: All infrastructure improvement projects currently awaiting funding.

- Concrete two paths in Starview campsite to the star viewing seats.
- Sculptures path to be replaced to improve wheelchair accessibility.
- New ranger's office to be built before the pay bay.
- Aerial to be installed to improve internet access at the ranger's office.
- Sculptures carpark to be sealed.
- Bend to be removed from the Sculptures Road.
- S-Bend to be straightened on the picnic area road.
- Replacement of the large barbeque in the picnic area.
- Upgrades to the Bilby and Yellow footed rock wallaby enclosure.
- Boardwalk for Info Bay to top shelter in Flora Site.
- Platform to be installed at Scenic Lookout.

9. Reports

9.1 Spraying

Spraying is on track with the Contractor covering the regeneration areas, but still has much more to do.

9.2 Visitations

Visitors to the Living Desert are starting to pick up again.

9.3 Sculptures

The sculptures have received a new coat of PSS-20 – a graffiti protectant.

9.4 Starview Campsite

A new walking path to the campsite has been completed. The campsite has been full almost every night, with tents becoming increasingly popular.

10. General Business

10.1 Local Council Elections

With the upcoming Local Council elections, all current Committee members will be required to sign up again if they want to continue to be a member of the Friends of the Flora and Fauna of the Barrier Ranges Community Committee.

10.2 ABC Film Crew

A film crew from the ABC are currently filming a documentary.

10.3 School Visits

Choirs for the Big Bash and school students from Ivanhoe, Wilcannia, Tibooburra, Menindee and Broken Hill visited the Living Desert on Tuesday, 13 August 2024.

10.4 Working Bee

Next working bee will be held on Saturday, 24 August 2024. Meet at the office at 9am to work on pavers, stony poles, cementing and the information ramp.

11. Next Meeting

The next scheduled meeting will be held on Tuesday, 10 September 2024 commencing at 6pm at Council Chambers, 240 Blende Street.

12. Meeting Closed

6.15pm

13. Action List

ACTION	WHO
1. Cement paths – Awaiting funding	Darrell Ford
2. Improve Roadworks – Awaiting Funding	Darrell Ford
3. Infrastructure Improvements – All Infrastructure improvement projects currently awaiting funding	Darrell Ford

MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE, S355 MEETING 12/51

Meeting held on Tuesday, 10 September 2024

Meeting commenced at 6pm

Location: Council Chambers, Administrative Centre, 240 Blende Street.

Minutes Taker: Darrell Ford

1. Present

Darrell Ford	Living Desert Ranger (BHCC)
Gaylene Ford	Community Representative
Narelle Tweedie	Community Representative
Ann Evers	Community Representative
Michael Ford	Community Representative
John Rogers	Community Representative
Councillor Marion Brown	Council Delegate
Greg Edwards	Community Representative
Rick Hall	Community Representative

2. Apologies

Councillor Darriea Turley	Council Delegate
Jeff Crase	Community Representative
Karen Ford	Community Representative
Paul Reed	Community Representative
Merran Coombe	Community Representative
Jasmin Fryer	Living Desert Ranger (BHCC)
Nick King	Living Desert Ranger (BHCC)

3. Non-Attendance

Kellie Scott	Community Representative
Evan Scott	Community Representative
Jamie Scott	Community Representative
Emily Scott	Community Representative

4. Confirmation of Minutes from Previous Meeting

Minutes from the meeting held on Tuesday, 13 August 2024 were confirmed at this meeting.

Moved: Narelle Tweedie

Seconded: Greg Edwards

5. Committee Nominations

Nil

6. Business arising from Previous Minutes

Nil

7. Correspondence

Nil

8. Update on Action List Items

8.1 Cement Paths

No Update

8.2 Improve Roadworks

No Update

8.3 Infrastructure Improvements

Update: All infrastructure improvement projects currently awaiting funding

- Concrete two paths in Starview campsite to the star viewing seats
- Sculptures path to be replaced to improve wheelchair accessibility
- New ranger's office to be built before the pay bay
- Aerial to be installed to improve internet access at the ranger's office
- Sculptures carpark to be sealed
- Bend to be removed from the Sculptures Road
- S-Bend to be straightened on the picnic area road
- Replacement of the large barbeque in the picnic area
- Upgrades to the Bilby and Yellow footed rock wallaby enclosure
- Boardwalk for Info Bay to top shelter in Flora Site
- Platform to be installed at Scenic Lookout

9. Reports

9.1 Visitors

- Visitor numbers have been good and the number of visitors staying at the campsite is going strong
- The Broken Heel Festival was held on the 5-9 September 2024, which drew a large crowd to the Sculptures over those days
- The Kidz Fix Foundation visited to watch the Sunset on Tuesday, 10 September 2024
- A film crew from the TV program Australian Idol filmed a segment at the Sculptures

9.2 Spraying

Contracted weed spraying in the Regeneration Areas and the Commons is still ongoing.

10. General Business

10.1 Flora

- The country is looking good with lots of Sturt Desert Peas around town and in the Regeneration Areas and the Commons
- There have been many compliments on the Flora site and the Sanctuary about how great it looks during this time of year with all the flowers blossoming

10.2 Fauna

- There are lots of Red Kangaroos in the Reserve, in large mobs
- The Kangaroo's in the Sanctuary all appear to be doing great
- The two Tawny Frogmouths, Hoot and Moot, are nesting. They have been in the Picnic Area for a few years and have had 1 young each year
- Zebra finches are nesting around the office and the Paybay and Willy Wagtails are nesting around the office

10.3 Footpaths

- There have been lots of compliments about the paved path, with visitors saying how good it looks and it is easier to walk on

10.4 Working Bee

Next working bee will be held on Saturday, 28 September 2024. Meet at the Ranger Hut at 9am.

11. Next Meeting

The next scheduled meeting will be held on Tuesday, 8 October 2024 commencing at 6pm at Council Chambers, 240 Blende Street.

12. Meeting Closed

6.35pm

13. Action List

ACTION	WHO
1. Cement paths – Awaiting funding	Darrell Ford
2. Improve Roadworks – Awaiting Funding	Darrell Ford
3. Infrastructure Improvements – All Infrastructure improvement projects currently awaiting funding	Darrell Ford

MINUTES OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE, S355 MEETING 12/51

Meeting held on Tuesday, 8 October 2024

Meeting commenced at 6pm

Location: Council Chambers, Administrative Centre, 240 Blende Street.

Minutes Taker: Darrell Ford

1. Present

Darrell Ford	Living Desert Ranger (BHCC)
Gaylene Ford	Community Representative
Ann Evers	Community Representative
Jeff Crase	Community Representative
Karen Ford	Community Representative
Michael Ford	Community Representative
Narelle Tweedie	Community Representative
Greg Edwards	Community Representative
Marion Brown	Community Representative
John Rogers	Community Representative

2. Apologies

Rick Hall	Community Representative
Paul Reed	Community Representative
Merran Coombe	Community Representative
Nick King	Living Desert Ranger (BHCC)

3. Non-Attendance

Kellie Scott	Community Representative
Evan Scott	Community Representative
Jamie Scott	Community Representative
Emily Scott	Community Representative

4. Confirmation of Minutes from Previous Meeting

Minutes from the meeting held on Tuesday, 10 September 2024 were confirmed at this meeting.

Moved: Gaylene Ford

Seconded: Ann Evers

5. Committee Nominations

Nil

6. Business arising from Previous Minutes

Nil

7. Correspondence

- Marion Browne provided a new email address
- No volunteers to open and close on the weekend roster

8. Update on Action List Items

8.1 Cement Paths

No Update

8.2 Improve Roadworks

No Update

8.3 Infrastructure Improvements

Update: All infrastructure improvement projects currently awaiting funding

- Concrete two paths in Starview campsite to the star viewing seats
- Sculptures path to be replaced to improve wheelchair accessibility
- New ranger's office to be built before the pay bay
- Aerial to be installed to improve internet access at the ranger's office
- Sculptures carpark to be sealed
- Bend to be removed from the Sculptures Road
- S-Bend to be straightened on the picnic area road
- Replacement of the large barbeque in the picnic area
- Upgrades to the Bilby and Yellow footed rock wallaby enclosure
- Boardwalk for Info Bay to top shelter in Flora Site
- Platform to be installed at Scenic Lookout

9. Reports

9.1 Visitors

- Students from Boston (USA) visited the Living Desert to perform mock upgrade ideas. Students from all over the world visited Broken Hill to perform the same exercise in various areas around town and the hypothetical ideas that could potentially be adopted were presented to Mayor Kennedy for review.
- A work experience student from Willyama High School spent the week with the Living Desert Rangers.

9.2 Spraying

- Weed spraying contractor has finished spraying and has destroyed large patches of Cactus and noxious weeds species in the Living Desert, Regeneration Areas and Commons around town.
- The Living Desert Ranger is still spraying in areas where follow up spraying is necessary.

10. General Business

10.1 Vehicle

A new work vehicle has been acquired for the Living Desert, replacing the old D-Max.

10.2 Fauna

The Tawny Frogmouth is caring for its newly hatched chick at the Picnic Area.

10.3 Paving & Flora

More paving was completed at the last working bee – up towards the Story Poles. Plant labels were also placed around the Flora site. Thank you to all who attended.

10.4 Working Bee

Next working bee will be held on Saturday 19 October 2024. Meet up top at the Office at 9am.

11. Next Meeting

The next scheduled meeting will be held on Tuesday, 12 November 2024 commencing at 6pm at Council Chambers, 240 Blende Street.

12. Meeting Closed

6.25pm

13. Action List

ACTION	WHO
1. Cement paths – Awaiting funding	Darrell Ford
2. Improve Roadworks – Awaiting Funding	Darrell Ford
3. Infrastructure Improvements – All Infrastructure improvement projects currently awaiting funding	Darrell Ford

ORDINARY MEETING OF THE COUNCIL

September 17, 2024

ITEM 26

BROKEN HILL CITY COUNCIL REPORT NO. 173/24

SUBJECT: MINUTES OF THE BROKEN HILL EDUCATION WORKING GROUP MEETINGS HELD 24 JULY AND 4 SEPTEMBER 2024 D24/45662

Recommendation

1. That Broken Hill City Council Report No. 173/24 dated September 17, 2024, be received.
2. That the minutes of the Broken Hill Education Working Group Meetings held 24 July 2024 and 4 September 2024 be received and noted.

Executive Summary:

As per the Terms of Reference of the Broken Hill Education Working Group, the minutes of the Working Group meetings held 24 July and 4 September 2024 are now reported to Council for information.

Report:

At the March 2024 Council Meeting, Council adopted the draft Terms of Reference for the establishment of the Broken Hill Education Working Group.

The purpose of the Working Group is to discuss matters pertaining to the Willyama High School's temporary closure due to the school being re-built as a consequence of a severe mould outbreak; the interim temporary school arrangements for Willyama students; and the impact on the well-being and education of High School students as well as the well-being and employment of Teachers in Broken Hill.

As per the Terms of Reference of the Working Group, the minutes of the Working Group meetings held 24 July and 4 September 2024 have been presented to the General Manager for approval and action and are now provided to Council for information.

Community Engagement:

The Terms of Reference of the Working Group allows for a maximum of eight (8) community representatives.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.3	We unite to succeed in Australia's first city on the National Heritage List
Strategy:	4.3.2	Develop working parties for key issues and projects impacting Council and the City

Relevant Legislation:

Nil.

Members of the Working Group will abide by Council's Code of Conduct Policy and the Working Group's Terms of Reference.

Financial Implications:

Nil.

Attachments

1. Minutes of the Broken Hill Working Group Meeting held 24 July 2024
[↓](#)
2. Minutes of the Broken Hill Education Working Group Meeting held 4 September 2024
[↓](#)

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

Minutes of the Broken Hill Education Working Group Meeting held 24 July 2024

Meeting commenced at 4:00pm.

PRESENT: Mayor Tom Kennedy; Deputy Mayor, Cr Jim Hickey Councillor Marion Browne; Darrin Manuel, Manager Communications and Marketing BHCC; Leisa Bartlett, Executive Officer BHCC; Millie Burnett, Executive Assistant to Shadow Minister for Education and Early Learning; Karen Nash, Senior Electorate Officer for Member for Barwon; Margaret Burrowes, Community Representative and Joanne Nicholls, Community Representative.

APOLOGIES: The Hon Sarah Mitchell MLC, Shadow Minister for Education and Early Learning The Hon Mark Coulton MP, Federal Member for Farrer, Alison Jones, Jay Nankivell, General Manager Jason Bradley, Barrier Teacher’s Association President; Peter McBeth, Far West Education Development Officer; all schools advised that they are awaiting advice from the Minister for Education as to whether they are able to attend Working Group meetings.

Motion	
Moved Margaret Burrowes)	That the apologies submitted be accepted.
Seconded Councillor Marion Browne)	
CARRIED	

DISCLOSURE OF INTEREST

Nil.

MINUTES FOR CONFIRMATION

Motion	
Moved Margaret Burrowes)	That the minutes of the Broken Hill Education Working Group meeting held 12 June 2024 be confirmed.
Seconded Jason Bradley)	
CARRIED	

MATTERS ARISING FROM PREVIOUS MINUTES

The Mayor advised the Working Group that copies of emails and correspondence sent from actions taken after the last meeting are included in the Business Paper for information.

1. Hazardous Traffic Conditions at Broken Hill High School

The Mayor asked if Councillor Browne (Council’s delegate on the Broken Hill Traffic Committee) could advise the Working Group whether the Traffic Committee have considered the matters referred by the Working Group and whether any action has occurred to investigate the matters.

Minutes of the Broken Hill Education Working Group Meeting held 24 July 2024

Councillor Browne advised that she was not present at the July Traffic Committee Meeting but that there were no recommendations in the minutes that referred to traffic matters at the Broken Hill High School/Willyama High School site which means that the matter is still being investigated. Councillor Browne advised that the next meeting of the Traffic Committee will be held Tuesday 6 August 2024.

The Mayor advised that himself and the General Manager met with Mr Peter MacBeth of the NSW Education Department who advised that they are in the process of formulating a Traffic Plan for the school site which is almost complete, and that the disability parking at the site can be rectified quickly but the issue of a loading zone may take longer.

Councillor Browne enquired about the suggestion of staggering the finishing time and the Mayor and Ms Burrowes advised that this cannot occur as students move between the two schools to attend RASP classes.

The Mayor advised that Mr MacBeth also advised that:

- *The Willyama High School once rebuilt will accommodate year 7 through to year 12 students as it did previously.*
- *The Education Department were looking into the issue of school zoning before the Willyama High School mould outbreak, and the zoning issue is still a priority to ensure an even number of students at each school.*

2. Willyama High School Development – Project Reference Group

The Mayor advised that Councillor Browne's name will be put forward for the Government's Willyama High School Project Reference Group, should a representative from Council be invited to join the Group. The Mayor stated that it is important for a local representative to be a member on the Project Reference Group and one who has an extensive knowledge of previous design issues of the school that were rectified to ensure that the correct design for the new school is achieved.

Ms Karen Nash advised that Mr Roy Butler had also written to The Deputy Premier recommending that Council be afforded a representative on the Project Reference Group.

REPORTS

1. - Community Meeting

The Mayor advised that the Community Meeting be deferred until after the Local Government Election due to the possible perception that calling a Community Meeting may be perceived as being of a political nature in the lead-up to the elections.

The Mayor requested that members of the Working Group read through the motions contained in the report prior to the next meeting where a date will be set for the Community Meeting following the Local Government Elections.

Minutes of the Broken Hill Education Working Group Meeting held 24 July 2024

GENERAL BUSINESS

Co-Location of the two High Schools

The Mayor advised of community feedback received that the two high school are functioning quite well together on the one site, and advised that with anything new there is always a honeymoon period, especially if there aren't high expectations for its success. So far, the feedback has been positive.

Ms Nicholls advised that students at the schools have adjusted well to co-locating, but that the Willyama High School Teachers do not have staff room facilities to use; she expects that this will be tolerated in the short-term knowing that Willyama High School will be re-built.

Councillor Browne commented that it will be interesting to know if student numbers at both schools change once Willyama High School is rebuilt.

Ms Nash advised that the only issues reported to Mr Butler's office are issues relating to parking and traffic congestion at the end-of-day school pick-up time.

Demolition of Willyama High School

The Mayor advised that:

- *NSW Infrastructure representatives have visited both High Schools and have advised that the demolition of Willyama High School should commence towards to end of this year. Council will be advised of a date when this will commence via the contract regarding the dumping of building rubble.*
- *A cultural group will also be undertaking a cultural assessment of the site.*
- *A \$90M insurance budget has been allocated to rebuild the school plus if additional work is required the additional money will be scoped in the NSW Education budget.*

Boarding House facilities at Willyama High School

Deputy Mayor Hickey referred to the recent closure of Allison House Student Accommodation and raised the possibility of the Willyama High School development including student boarding house accommodation (for up to 30 students) for isolated students of the Far West Region; and that in the near future there would be approximately 38 children from Pooncarie whose families would potentially be interested in their children attending a Broken Hill secondary school if there was boarding accommodation available.

The Committee members discussed other public schools with boarding facilities such as Yanco Agricultural High School in Yanco NSW and Farrer Memorial Agricultural High School in Calala NSW, both are public schools.

Minutes of the Broken Hill Education Working Group Meeting held 24 July 2024

Motion	
Moved Deputy Mayor Hickey)	That the Working Group supports the concept of boarding house facilities being built at Willyama High School; and that information regarding other NSW public schools with boarding facilities be provided to the next Working Group meeting.
Seconded Mayor Kennedy)	
	CARRIED

Ms Millie Burnett advised that she will speak to the Shadow Minister regarding the Working Group's motion and for the Shadow Minister to advise the next Working Group meeting about the operating model of the public boarding schools Yanco Agricultural High School and Farrer Memorial Agricultural High School.

Vocational Education Teaching Positions

The Mayor advised that there are 2 Career Adviser/Vocational Education Teaching positions urgently required to assist students from both High Schools to undertake pre-apprenticeship and traineeship courses and a further position to work within the schools in this field.

Next Meeting

To be advised.

As there was no further business for the Working Group to consider, the meeting was declared closed at 4:30pm.

.....
Mayor Tom Kennedy, Chairperson

Minutes of the Broken Hill Education Working Group Meeting held 4 September 2024

Meeting commenced at 4:30pm.

PRESENT: Mayor Tom Kennedy; Deputy Mayor, Cr Jim Hickey Councillor Marion Browne; Jay Nankivell, General Manager BHCC; Leisa Bartlett, Executive Officer BHCC; Jessica Murray, Executive Assistant BHCC; Millie Burnett, Executive Assistant to Shadow Minister for Education and Early Learning; Karen Nash, Senior Electorate Officer for Member for Barwon; Margaret Burrowes, Community Representative and Joanne Nicholls, Community Representative.

APOLOGIES: The Hon Sarah Mitchell MLC, Shadow Minister for Education and Early Learning; The Hon Mark Coulton MP, Federal Member for Farrer; Peter McBeth, Far West Education Development Officer.

<p>Motion Moved Deputy Mayor Hickey) Seconded Joanne Nicholls)</p>	<p>That the apologies submitted be accepted.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
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DISCLOSURE OF INTEREST

Nil.

MINUTES FOR CONFIRMATION

<p>Motion Moved Councillor Browne) Seconded Margaret Burrowes)</p>	<p>That the minutes of the Broken Hill Education Working Group meeting held 24 July 2024 be confirmed.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
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MATTERS ARISING FROM PREVIOUS MINUTES

1. Request for Financial Support from Willyama High School Year 12 History Students

<p>Motion Moved Councillor Browne) Seconded Margaret Burrowes)</p>	<p>That correspondence dated 6 August 2024 from the Deputy Premier, The Hon Prue Car MP, advising that the Willyama HSC History students were financially supported to attend the excursion to Sydney, be received.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
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Minutes of the Broken Hill Education Working Group Meeting held 4 September 2024

Ms Nash advised the Working Group that the Member for Barwon requested the Estimates Committee to use businesses from the Barwon electorate area for the procurement of school furniture and outdoor equipment etc. as local procurement is important across the Barwon area.

<p>Motion Moved Joanne Nicholls) Seconded Margaret Burrowes)</p>	<p>That the Working Group endorses the Member for Barwon’s request that businesses from the Barwon electorate be used to procure furniture and outdoor equipment for the Willyama High School redevelopment.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
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3. Beyond the Line Study Tour Program for Teaching Students

<p>Motion Moved Joanne Nicholls) Seconded Margaret Burrowes)</p>	<p>That correspondence dated 21 August 2024 from the Deputy Premier, The Hon Prue Car MP advising that the Beyond the Line program will be extended to the Far West Region and also advised that another program “School Hub” which is currently operating in Broken Hill will be expanded to include all schools in the Far West network, be received.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
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REPORTS

4. NSW Department of Education – August Planning Update - Community Information Session

<p>Motion Moved Margaret Burrowes) Seconded Councillor Browne)</p>	<p>That the NSW Department of Education – August Planning Update – Community Information Session be received and that all Working Group Members be encouraged to attend the Department’s Community Information Session on Tuesday 10 September 2024 between 3:30pm – 6:00pm at the Broken Hill High School hall.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
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Minutes of the Broken Hill Education Working Group Meeting held 4 September 2024

GENERAL BUSINESS

Teaching Positions

The Mayor advised that, at a meeting with Mr Peter MacBeth, Council was advised that a Teacher has been employed across both high schools to facilitate employment pathways for students as well as to assist with student mental health issues. A second Teacher has also been employed to assist students with the transition of the Willyama High School to the joint school site at Broken Hill High School. The Mayor stated that Mr MacBeth will be a valuable member of the Working Group due to his local knowledge.

Willyama High School Canteen

The Mayor advised of reports that the Willyama High School canteen is not adequately equipped for the number of students and is not providing enough variety of food.

Willyama High School Library

The Mayor advised of reports that the funding for the Library is not adequate and that the Library is using e-books and not hard copy books for students.

Questions regarding Remediation Works

Ms Nash advised that the Member for Barwon encourages people who have questions regarding the remediation works of the Willyama High School site to use the email address on the Department of Education's webpage for the project.

The Mayor advised that Council will put this information on Council's website and social media.

End of Term of Council

The Mayor advised that the community representative positions on the Working Group align with the Term of Council and encouraged the current community representatives to re-nominate for membership of the Working Group for the new Term of Council.

Traffic Arrangements at the Broken Hill High School

Councillor Browne enquired if the change to traffic arrangements at the school have improved the traffic congestions and traffic issues during the afternoon school pick-up time?

The Mayor advised that he had spoken to the Principal of Willyama High School, Mr Grant Shepherd, and that the line-marked had been completed on Friday and had improved some of the parking issues at the school and was working well. Mr Shepherd advised that any additional line-marking requested by the school is required to be paid by the school (which they don't have a budget for).

Minutes of the Broken Hill Education Working Group Meeting held 4 September 2024

Motion Moved Councillor Browne) Seconded Joanne Nicholls)	That the Working Group requests that the NSW Department of Education seeks conditional funding for any further line-marking (for bus zones, disability parking etc.) that is required to be carried out due to the Willyama High School's co-location at the Broken Hill High School be paid by the NSW Department of Education. CARRIED UNANIMOUSLY
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Next Meeting

To be advised.

As there was no further business for the Working Group to consider, the meeting was declared closed at 4:50pm.

.....
Mayor Tom Kennedy, Chairperson

ORDINARY MEETING OF THE COUNCIL

September 17, 2024

ITEM 27

BROKEN HILL CITY COUNCIL REPORT NO. 174/24

SUBJECT: ACTION LIST REPORT D24/45658

Recommendation

1. That Broken Hill City Council Report No. 174/24 dated September 17, 2024, be received.

Executive Summary:

The purpose of this report is to ensure that Council and the community are informed on the status of actions required by previous Council resolutions.

Report:

A new format Action List was presented to the June 2017 Council Meeting to provide Councillors with a clearer way of reporting on the progress of outstanding Council resolutions. As per Minute No. 45570, the Action List has been produced in the new colour coded format and shows the progress of Council' outstanding decisions (Green – completed, Yellow – in progress and Red – not yet commenced).

The Action List attached to this report covers decisions at Ordinary Council Meetings, is for information only and will be provided to Council on a monthly basis.

Discussions have been held with staff regarding the long outstanding items on the Action List, most of which are leasing/licencing matters. Staff will be working to finalise these items as a priority and/or request Council to rescind resolutions where circumstances have changed.

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to operate within its legal framework

Relevant Legislation:

Local Government Act 1993

Financial Implications:

Nil

Attachments

1. [↓](#) Action List Report - October 2024
2. [↓](#) Action List Report from Extraordinary Meeting

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

For Action	Division: Ordinary Council	Date From: 30/06/2020
Action Sheets Report	Committee: Ordinary Council	Date To: 23/10/2024
	Officer: Including Further Reports	Printed: Wednesday, 23 October 2024 9:25:46 AM
	Further Report Required: Including Further Reports	

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Howard, Codie Nankivell, Jay	Confidential Matters	WILLYAMA COMMON TRUST LICENCE OF PART LOT 7315 DP 1183447 TO BROKEN HILL SPEEDWAY CLUB
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 105/20 dated July 1, 2020, be received. That Council (as Trust Manager for the Willyama Common Trust) lease Part Lot 7315 in Deposited Plan 1183447 to the Broken Hill Speedway Club for the purpose of a motocross track extension and associated access. That the lease term be 25 years and the annual rental be the minimum Crown Lands rental. That the Mayor and General Manager be authorised to sign and execute any documents under the Common Seal of Council, the absence of a Trust Seal. 			
CARRIED UNANIMOUSLY			
<p>12 Aug 2020 10:00am Bartlett, Leisa Solicitors are drawing up the licence agreement.</p> <p>17 Sep 2020 3:09pm Bartlett, Leisa Draft lease being finalised.</p> <p>16 Oct 2020 9:20am Bartlett, Leisa Draft lease with Solicitors.</p> <p>10 Nov 2020 4:26pm Bartlett, Leisa Licence is with the Broken Hill Speedway Club for signature.</p> <p>30 Nov 2020 2:11pm Bartlett, Leisa Licence with Speedway Club for signature.</p> <p>12 Feb 2021 10:04am Bartlett, Leisa Licence signed by all parties and is now with the Minister for approval.</p> <p>18 Mar 2021 4:40pm Bartlett, Leisa In progress.</p> <p>16 Apr 2021 10:42am Bartlett, Leisa In progress.</p> <p>12 May 2021 12:14pm Bartlett, Leisa In progress.</p> <p>17 Jun 2021 4:55pm Bartlett, Leisa Waiting on response from Local Aboriginal Land Council.</p> <p>15 Jul 2021 12:15pm Bartlett, Leisa Solicitor is awaiting a response from the Local Aboriginal Land Council.</p> <p>12 Aug 2021 3:04pm Bartlett, Leisa Council's Solicitor is awaiting a response from the Local Aboriginal Land Council.</p>			

For Action

Division:
Committee: Ordinary Council
Officer:
Further Report Required: Including Further Reports

Date From: 30/06/2020
Date To: 23/10/2024

Printed: Wednesday, 23 October 2024 9:25:46 AM

15 Sep 2021 9:06am Bartlett, Leisa
Council staff following up with Local Aboriginal Land Council.

14 Oct 2021 4:12pm Bartlett, Leisa
Awaiting response from Local Aboriginal Land Council.

11 Nov 2021 9:02am Bartlett, Leisa
Awaiting response from the Local Aboriginal Land Council.

16 Dec 2021 11:51am Bartlett, Leisa
Awaiting response from Local Aboriginal Land Council.

18 Jan 2022 2:55pm Butcher, Lacey
Awaiting response from Aboriginal Land Council

15 Feb 2022 10:58am Bartlett, Leisa
Awaiting response from Aboriginal Land Council.

23 Mar 2022 2:42pm Bartlett, Leisa
No change in status.

19 May 2022 11:23am Bartlett, Leisa
No change in status.

22 Jun 2022 11:04am Guerin, Emily
No change in status

18 Jul 2022 3:07pm Guerin, Emily
No change in status

24 Aug 2022 3:28pm Bartlett, Leisa
No change in status.

07 Sep 2022 3:24pm Guerin, Emily - Reallocation
Action reassigned to Mason, Michael by Guerin, Emily

20 Sep 2022 12:16pm Guerin, Emily
No change in status.

18 Oct 2022 9:36am Guerin, Emily
Still awaiting response from Aboriginal Land Council. Further follow up with LALC to again occur.

16 Nov 2022 8:25am Guerin, Emily
No change in status

13 Dec 2022 8:56am Guerin, Emily
No change in status

17 Jan 2023 11:16am Guerin, Emily
No change in status

13 Feb 2023 11:43am Guerin, Emily
No change in status

21 Mar 2023 1:29pm Guerin, Emily
No change in status

18 Apr 2023 11:20am Guerin, Emily
No change in status

23 May 2023 8:48am Butcher, Lacey
No change in status

14 Jun 2023 11:34am Guerin, Emily - Reallocation
Action reassigned to Howard, Codie by Guerin, Emily

For Action	Division: Ordinary Council	Date From: 30/06/2020
Action Sheets Report	Committee: Ordinary Council	Date To: 23/10/2024
	Officer: Including Further Reports	Printed: Wednesday, 23 October 2024 9:25:46 AM
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20 Jun 2023 8:49am Butcher, Lacey No change in status
22 Aug 2023 10:50am Falkner, Georgina No change in status
20 Sep 2023 10:31am Howard, Codie No change in status.
11 Oct 2023 1:14pm Falkner, Georgina No change in status.
21 Nov 2023 2:24pm Falkner, Georgina No change in status.
07 Dec 2023 10:40am Falkner, Georgina No change in status.
19 Jan 2024 1:44pm Falkner, Georgina No change in status. Follow up correspondence sent.
21 Feb 2024 9:19am Butcher, Lacey No change in status
20 Mar 2024 10:04am Falkner, Georgina No change in status
17 Apr 2024 10:22am Butcher, Lacey No change in status
21 May 2024 3:16pm Falkner, Georgina No change in status.
18 Jun 2024 3:13pm Falkner, Georgina No change in status. Further follow up correspondence sent.
22 Jul 2024 1:13pm Murray, Jessica No change in status
21 Aug 2024 10:02am Falkner, Georgina No change in status.
17 Oct 2024 12:08pm Murray, Jessica No change in status

Meeting	Officer/Director	Section	Subject
Ordinary Council 23/02/2022	Nankivell, Jay Nankivell, Jay	Confidential Matters	LEGAL EXPENDITURE - CIVIC CENTRE OMBUDSMAN'S REPORT
<u>Resolved</u>			
1. That Broken Hill City Council Report No. 54/22 dated February 15, 2022, be received.			
2. That the General Manager be invited to contact the Auditor General to investigate the legality of the expenditure to defend the Ombudsman's report in the absence of Council's approval to do so.			

For Action	Division: Ordinary Council	Date From: 30/06/2020
Action Sheets Report	Committee: Ordinary Council	Date To: 23/10/2024
	Officer: Including Further Reports	Printed: Wednesday, 23 October 2024 9:25:46 AM
	Further Report Required: Including Further Reports	

CARRIED UNANIMOUSLY

- 24 Mar 2022 5:35pm Bartlett, Leisa
Communication initiated with the Audit Office to commence the investigation and the best course of action.
- 19 May 2022 11:47am Bartlett, Leisa
No change in status.
- 20 Jul 2022 4:05pm Guerin, Emily
No change in status
- 24 Aug 2022 4:05pm Butcher, Lacey
Awaiting advice from Audit Office
- 19 Sep 2022 11:32am Guerin, Emily
No change in status
- 21 Nov 2022 2:29pm Guerin, Emily
No change in status
- 07 Dec 2022 9:37am Guerin, Emily
Ongoing
- 17 Jan 2023 11:22am Guerin, Emily
Nothing futher
- 14 Feb 2023 1:43pm Guerin, Emily
Ongoing
- 21 Mar 2023 1:50pm Guerin, Emily
Ongoing
- 18 Apr 2023 2:09pm Guerin, Emily
Ongoing
- 23 May 2023 3:19pm Butcher, Lacey
Ongoing
- 21 Jun 2023 4:39pm Butcher, Lacey
Ongoing
- 19 Jul 2023 9:24am Guerin, Emily
No change in status
- 22 Aug 2023 3:45pm Butcher, Lacey
Ongoing
- 18 Jan 2024 8:41am Butcher, Lacey
Ongoing
- 08 Feb 2024 4:45pm Butcher, Lacey
Ongoing
- 11 Mar 2024 11:49am Butcher, Lacey
Ongoing
- 16 Apr 2024 1:56pm Butcher, Lacey
Ongoing
- 20 May 2024 4:08pm Butcher, Lacey
Ongoing

For Action	Division: Ordinary Council	Date From: 30/06/2020
Action Sheets Report	Committee: Ordinary Council	Date To: 23/10/2024
	Officer: Including Further Reports	Printed: Wednesday, 23 October 2024 9:25:46 AM
	Further Report Required: Including Further Reports	

18 Jun 2024 3:05pm Murray, Jessica Ongoing
23 Jul 2024 1:00pm Murray, Jessica Ongoing
21 Aug 2024 9:32am Murray, Jessica Ongoing
17 Oct 2024 12:08pm Murray, Jessica Ongoing

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/07/2022	Howard, Codie Nankivell, Jay	Confidential Matters	WILLYAMA COMMON TRUST LEASE TO SILVER CITY ARCHERS
<u>Resolved</u>			
1. That Broken Hill City Council Report No. 167/22 dated June 22, 2022, be received.			
2. That Council (as the Willyama Common Trust) enter into a new 20 year lease agreement with Silver City Archers, for lease of their existing site on the Willyama Common (Part Lot 7388 Deposited Plan 1200953).			
3. That the rent remain \$250 per annum.			
4. That in the absence of a Trust Seal, the lease documents be executed by the Mayor and General Manager under the Common Seal of Council.			
CARRIED UNANIMOUSLY			
25 Aug 2022 1:02pm Butcher, Lacey Council's solicitors are preparing the draft lease			
20 Sep 2022 11:29am Guerin, Emily Continuing use as currently arranged while new template is being reviewed.			
18 Oct 2022 9:35am Guerin, Emily Template being reviewed. Current lease ongoing			
16 Nov 2022 8:26am Guerin, Emily Lease under review			
13 Dec 2022 8:56am Guerin, Emily Draft lease sent to Silver City Archers for review			
17 Jan 2023 11:17am Guerin, Emily No change in status			
13 Feb 2023 11:44am Guerin, Emily No change in status			
21 Mar 2023 1:30pm Guerin, Emily			

For Action	Division: Ordinary Council	Date From: 30/06/2020
Action Sheets Report	Committee: Ordinary Council	Date To: 23/10/2024
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	Further Report Required: Including Further Reports	

Solicitors are making minor amendments to lease document

18 Apr 2023 11:23am Guerin, Emily
Amendments made and lease to be sent to Silver City Archers for review and signing

22 May 2023 3:50pm Butcher, Lacey
lease is now with Council for signing

14 Jun 2023 11:33am Guerin, Emily - Reallocation
Action reassigned to Howard, Codie by Guerin, Emily

20 Jun 2023 8:48am Butcher, Lacey
lease with Silver City Archers for signing

22 Aug 2023 10:52am Falkner, Georgina
Lease signed by Council and Silver City Archers. Lease has been sent to Crown Lands for Ministerial consent.

20 Sep 2023 10:40am Howard, Codie
No change in status.

11 Oct 2023 1:19pm Falkner, Georgina
Awaiting Ministerial consent.

21 Nov 2023 2:25pm Falkner, Georgina
Discussions ongoing with Crown Lands.

07 Dec 2023 10:41am Falkner, Georgina
Discussions ongoing.

19 Jan 2024 1:45pm Falkner, Georgina
No change in status.

21 Feb 2024 9:25am Butcher, Lacey
No change in status

20 Mar 2024 10:05am Falkner, Georgina
Potential amendments being discussed with Crown Lands

17 Apr 2024 10:23am Butcher, Lacey
No change in status

21 May 2024 3:19pm Falkner, Georgina
No change in status

18 Jun 2024 3:18pm Falkner, Georgina
Crown Lands have since advised that a licence would be preferable as opposed to a lease due to Native Title. Potential amendments being discussed.

22 Jul 2024 1:14pm Murray, Jessica
No change in status

21 Aug 2024 10:02am Falkner, Georgina
Working through details of proposed changes.

17 Oct 2024 12:11pm Murray, Jessica
No change in status

Meeting	Officer/Director	Section	Subject
Ordinary Council 28/09/2022	Howard, Codie Nankivell, Jay	Works Committee Reports	UPDATE FOR THE ESTABLISHMENT OF A COMMUNITY GARDEN AT THE FORMER ALMA POOL SITE
Resolved			

For Action	Division: Ordinary Council	Date From: 30/06/2020
Action Sheets Report	Committee: Ordinary Council	Date To: 23/10/2024
	Officer:	Printed: Wednesday, 23 October 2024 9:25:46 AM
	Further Report Required: Including Further Reports	

1. That Broken Hill City Council Report No. 202/22 dated September 9, 2022, be received.
 2. That Council formulate a Community Gardens Policy with associated Guidelines for presentation to the community for input and consultation.
- CARRIED UNANIMOUSLY
- 18 Oct 2022 9:31am Guerin, Emily
No change in status
- 21 Nov 2022 2:51pm Guerin, Emily
No change in status
- 13 Dec 2022 11:52am Guerin, Emily
Policy currently being created.
- 16 Jan 2023 2:24pm Guerin, Emily
No change in status
- 13 Feb 2023 2:08pm Guerin, Emily
No change in status
- 23 Mar 2023 9:50am Guerin, Emily
No change in status
- 19 Apr 2023 11:25am Guerin, Emily
No change in status
- 23 May 2023 3:24pm Butcher, Lacey
No change in status
- 21 Jun 2023 3:46pm Butcher, Lacey
No change in status
- 23 Aug 2023 11:52am Howard, Codie
No change in status
- 20 Sep 2023 10:40am Howard, Codie
No change in status.
- 18 Oct 2023 8:43am Howard, Codie
Draft Policy currently being prepared.
- 21 Nov 2023 12:04pm Howard, Codie
Draft Policy preparation is on-going
- 12 Dec 2023 2:29pm Howard, Codie
No change in Status
- 23 Jan 2024 2:05pm Howard, Codie
No change in status.
- 20 Feb 2024 12:04pm Butcher, Lacey
No change in status
- 20 Mar 2024 11:41am Butcher, Lacey
No change in status
- 17 Apr 2024 10:23am Butcher, Lacey

For Action	Division: Ordinary Council	Date From: 30/06/2020
Action Sheets Report	Committee: Ordinary Council	Date To: 23/10/2024
	Officer: Including Further Reports	Printed: Wednesday, 23 October 2024 9:25:46 AM
	Further Report Required: Including Further Reports	

No change in status
06 May 2024 10:26am Butcher, Lacey
No change in status
18 Jun 2024 11:51am Howard, Codie
No change in status
24 Jul 2024 10:31am Murray, Jessica
No change in status
21 Aug 2024 10:41am Murray, Jessica
No change in status
17 Oct 2024 12:13pm Murray, Jessica
No change in status

Meeting	Officer/Director	Section	Subject
Ordinary Council 30/11/2022	Howard, Codie Nankivell, Jay	Notice of Motion	BUSY KIDS CHILDCARE CENTRE
Resolved			
1. That Motions of Which Notice has been Given No. 3/22 dated November 14, 2022, be received.			
2. That the General Manager be invited to correspond with Crown Lands to urgently seek a solution to expedite the process of extinguishing Native Title on the 4048m ² allotment at Lot 4444/DP757298, being 123 Bagot Street; and for the allotment to be made freehold with a change of land use to enable a purchaser to establish a childcare centre on the allotment.			
			CARRIED UNANIMOUSLY
13 Dec 2022 8:53am Guerin, Emily			
Letter to Crown Lands being drafted			
17 Jan 2023 11:17am Guerin, Emily			
Letter to Crown Lands has been sent			
13 Feb 2023 11:44am Guerin, Emily			
No change in status			
21 Mar 2023 1:31pm Guerin, Emily			
No change in status			
18 Apr 2023 11:23am Guerin, Emily			
Crown Lands seeing alternate avenues.			
23 May 2023 8:50am Butcher, Lacey			
No change in status			
14 Jun 2023 11:34am Guerin, Emily - Reallocation			
Action reassigned to Howard, Codie by Guerin, Emily			
23 Aug 2023 11:52am Howard, Codie			
Still awaiting response from Crown Lands.			

For Action	Division: Ordinary Council	Date From: 30/06/2020
Action Sheets Report	Committee: Ordinary Council	Date To: 23/10/2024
	Officer: Including Further Reports	Printed: Wednesday, 23 October 2024 9:25:46 AM
	Further Report Required: Including Further Reports	

20 Sep 2023 10:52am Howard, Codie No change in status.
18 Oct 2023 8:44am Howard, Codie No change in status
23 Jan 2024 2:05pm Howard, Codie Ongoing negotiations with Crown Lands has resulted in the recommendation to proceed with compulsory acquisitions of the lot. These plans and surveys are now being planned for Council's endorsement.
21 Feb 2024 9:25am Butcher, Lacey No change in status
20 Mar 2024 10:05am Falkner, Georgina No change in status
17 Apr 2024 10:22am Butcher, Lacey Advice and recommendations received from Council's Solicitors for formalisation to Council and the Minister. Still awaiting surveys to be completed.
14 May 2024 4:16pm Butcher, Lacey No change in status
21 May 2024 3:19pm Falkner, Georgina Surveys in progress
18 Jun 2024 3:19pm Falkner, Georgina No change in status.
24 Jul 2024 11:14am Murray, Jessica Follow up meeting occurring with Crown Lands
21 Aug 2024 10:21am Falkner, Georgina In progress, awaiting finalised survey
17 Oct 2024 12:17pm Murray, Jessica Council to apply to the Minister and Governor to compulsory acquire the land, to be resolved at the October Council meeting.

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/03/2023	Nankivell, Jay Nankivell, Jay	Policy And General Reports	ESTABLISHMENT BROKEN HILL TOURISM ORGANISATION
Resolved			
1. That Broken Hill City Council Report No. 49/23 dated February 16, 2023, be received.			
2. That the General Manager develop a proposal and business case to establish a member based not-for-profit company limited by guarantee for the purposes of a tourism organisation.			
3. That the proposal, including associated documentation required by the Office of Local Government, deliverables, and proposed budget, be presented to Council for consideration prior to being submitted to the Minister via the Office for Local Government as required under Section 358 of the <i>Local Government Act 1993</i> .			
CARRIED UNANIMOUSLY			

For Action	Division: Ordinary Council	Date From: 30/06/2020
Action Sheets Report	Committee: Ordinary Council	Date To: 23/10/2024
	Officer: Including Further Reports	Printed: Wednesday, 23 October 2024 9:25:46 AM
	Further Report Required: Including Further Reports	

<p>19 Apr 2023 9:49am Guerin, Emily Proposal being drafted</p> <p>23 May 2023 3:08pm Butcher, Lacey No change in status</p> <p>23 May 2023 3:09pm Butcher, Lacey - Reallocation Action reassigned to Nankivell, Jay by Butcher, Lacey</p> <p>21 Jun 2023 4:47pm Butcher, Lacey ongoing</p> <p>19 Jul 2023 9:20am Guerin, Emily No change in status</p> <p>22 Aug 2023 3:46pm Butcher, Lacey No change in status</p> <p>12 Dec 2023 2:50pm Butcher, Lacey No change in status</p> <p>18 Jan 2024 8:42am Butcher, Lacey No change in status</p> <p>07 Feb 2024 10:10am Butcher, Lacey No change in status</p> <p>11 Mar 2024 11:50am Butcher, Lacey No change in status</p> <p>16 Apr 2024 1:56pm Butcher, Lacey No change in status</p> <p>20 May 2024 4:09pm Butcher, Lacey No change in status</p> <p>18 Jun 2024 3:33pm Murray, Jessica No change in status</p> <p>22 Jul 2024 11:33am Murray, Jessica Ongoing</p> <p>22 Aug 2024 10:35am Murray, Jessica Incorporated into Council's VIC Service Review, letter to Minister being drafted.</p> <p>18 Oct 2024 2:13pm Murray, Jessica No change in status</p>

Meeting	Officer/Director	Section	Subject
Ordinary Council 30/08/2023	Howard, Codie Nankivell, Jay	Further Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.438, HELD ON THURSDAY, 10 AUGUST 2023
<u>Resolved</u>			
1. That Broken Hill City Council Report No. 166/23 dated August 11, 2023, be received.			

For Action

Action Sheets Report

Division: Ordinary Council
Committee:
Officer:
Further Report Required: Including Further Reports

Date From: 30/06/2020
Date To: 23/10/2024

Printed: Wednesday, 23 October 2024 9:25:46 AM

2. That the minutes of the Local Traffic Committee – Meeting No.438, held on Thursday, 10 August 2023 be endorsed.
3. That Item No. 427.6.1 recommendations be endorsed:
 - That the Local Traffic Committee supports relocation of the 'Bus Stop' on Blende Street, adjacent to the Con Crowley Retirement Village.
4. That Item No. 427.9.1 recommendation be endorsed:
 - That Council continue to liaise with KFC Management regarding traffic matters and that no further action be required by the Local Traffic Committee.
5. That Item No. 436.8.1 recommendation be endorsed:
 - That Council's Community Safety Officer-Ranger's continue to monitor the 15-minute timed parking, adjacent to Aruma Lodge – Southern Cross Care.
6. That Item No. 437.8.2 recommendation be endorsed:
 - That the Local Traffic Committee endorse the Traffic Control/Management Plans provided for the Broken Heel Festival in principle, dependent on supply of additional details to be included on the Traffic Control/Management Plans.
7. That Item No. 438.8.1 recommendations be endorsed:
 - That the Local Traffic Committee supports the request from Damascus College, Ballarat Victoria's Sustainable Race Team to access Broken Hill's local roads for the fundraiser in principle, dependent on Transport for NSW comments following review.

CARRIED UNANIMOUSLY

20 Sep 2023 11:01am Howard, Codie

Item No. 427.6.1 - with operational team for completion., Item No. 427.9.1 - COMPLETED., Item No. 436.8.1 - COMPLETED., Item No. 437.8.2 - COMPLETED., Item No. 438.8.1 - COMPLETED - Action with TfNSW & NSW Police for approval - No Further Action.

18 Oct 2023 8:45am Howard, Codie

No change in status

21 Nov 2023 12:05pm Howard, Codie

No change in status

12 Dec 2023 2:31pm Howard, Codie

No change in Status

20 Feb 2024 12:03pm Butcher, Lacey

Item No. 427.6.1 - with operational team for completion

20 Mar 2024 11:43am Butcher, Lacey

For Action	Division: Ordinary Council	Date From: 30/06/2020
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No change in status
17 Apr 2024 10:16am Butcher, Lacey
No change in status
14 May 2024 4:04pm Butcher, Lacey
No change in status
18 Jun 2024 11:52am Howard, Codie
No Change in Status
24 Jul 2024 10:36am Murray, Jessica
No change in status
21 Aug 2024 10:14am Murray, Jessica
No Change in Status
17 Oct 2024 12:46pm Murray, Jessica
No change in status

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/09/2023	Nu'man, Razija Nankivell, Jay	Further Reports	RE-ESTABLISHMENT OF ALCOHOL-FREE ZONES

Resolved

1. That Broken Hill City Council Report No. 190/23 dated September 8, 2023, be received.
2. That Council endorse the proposal (as attached) to re-establish the Alcohol-Free Zone known as Creedon Street, including public roads and laneways, public car parks and footpath area of Creedon Street bounded by Rakow and Wills Streets.
3. That Council endorse the proposal (as attached) to re-establish the Alcohol-Free Zone known as Shell Memorial including all public roads and laneways, public car parks and footpaths in an area bounded by Iodide, Thomas, Bromide and Mica Streets including Oxide Street from Thomas Street through to Morgan Street.
4. That Council endorse the proposal (as attached) to re-establish the Alcohol-Free Zone surrounding the E.T. Lamb Memorial Oval, including public roads and laneways, public car parks and footpath area surrounding the oval bounded by South, Boughtman, Comstock and Jamieson Streets.
5. That Council endorse the proposal (as attached) to re-establish the Alcohol-Free Zone known as South Broken Hill including all public roads and laneways, public car parks and footpaths in an area bounded by Bonanza, Patton, Central and Hebbard Streets including South Street from Piper Street through to Wilson Street; with extension from Bonanza Street to Morish Street and off Bonanza Street from Wilson Street to Picton Street.
6. That Council refer the Proposals for comment in accordance with the provisions of the *Local Government Act 1993* and Ministerial Guidelines (2009) to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area and all affected licensed premises and registered clubs that border on, adjoin or are adjacent to the proposed alcohol free zone, for response within thirty days of public notice.
7. That Council invite public comment on the proposal through an advertisement in local newspaper with time for response within thirty days.

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	Further Report Required: Including Further Reports	

8. That a further report be submitted to Council upon completion of the consultative process.
9. That a report be prepared to a future Council meeting regarding a possible exemption to the prohibition of alcohol from the Norm Fox Sporting Grounds changeroom
- CARRIED UNANIMOUSLY
- 03 Oct 2023 12:08pm Brealey, Jodie**
Item 6 - Proposals forwarded to all stakeholders - COMPLETE, Item 7 - Proposals advertised in Barrier Truth - COMPLETE, Item 8 - Public exhibition underway consultation outcome report to Council to go to October Ordinary meeting - COMPLETE, Item 9 - Possible exemption for Norm Fox Sporting Grounds changeroom prohibition from alcohol prohibited area under investigation - Progressing
- 16 Oct 2023 5:10pm Brealey, Jodie**
Item 9 - Possible exemption to the prohibition of alcohol consumption at the Norm Fox Sporting Grounds changeroom under investigation - Norm Fox Sporting Complex Alcohol Prohibited Area research underway to gather background information for discussion with Police. Dir Corporate and Community visited Norm Fox changeroom and met with Peter Johnston to discuss area to be considered during discussions with Police. Meeting with Police to be arranged to determine best outcome.
- 17 Nov 2023 4:26pm Brealey, Jodie**
Investigation still in progress
- 13 Dec 2023 9:24am Butcher, Lacey**
No change in status
- 18 Jan 2024 3:31pm Butcher, Lacey**
In progress - discussions held with Licensing Sergeant in December 2023, with face to face meeting to be arranged to discuss options in 2024
- 21 Feb 2024 10:58am Brealey, Jodie**
Face to face meeting to be scheduled with Licensing Sergeant
- 19 Mar 2024 11:03am Brealey, Jodie**
No change in status
- 11 Apr 2024 9:27am Brealey, Jodie**
No change in status
- 13 May 2024 1:47pm Brealey, Jodie**
No change in status
- 18 Jun 2024 4:52pm Murray, Jessica**
Meeting to be followed up and rescheduled.
- 16 Jul 2024 11:22am Brealey, Jodie**
Contact made with Barrier Police District - Awaiting response from Licencing Officer
- 20 Aug 2024 2:53pm Brealey, Jodie**
Contact made with Barrier Police District - Awaiting response from Licencing Officer
- 17 Oct 2024 1:53pm Brealey, Jodie**
Mapping and background information forwarded to Barrier Police District with request for feedback and preferred meeting dates/time - Awaiting response

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/11/2023	Howard, Codie Nankivell, Jay	Further Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO. 441, HELD ON WEDNESDAY, 8 NOVEMBER 2023

For Action

Action Sheets Report**Division:** Ordinary Council
Committee:
Officer:
Further Report Required: Including Further Reports**Date From:** 30/06/2020
Date To: 23/10/2024**Printed:** Wednesday, 23 October 2024 9:25:46 AM**Resolved**

1. That Broken Hill City Council Report No. 229/23 dated November 14, 2023, be received.
2. That the minutes of the Local Traffic Committee – Meeting No.441, held on Wednesday, 8 November 2023 be endorsed.
3. That Item No.423.8.3 recommendations be endorsed:
 - That the eight disability parking spaces at the Broken Hill Regional Aquatic Centre carpark remain unchanged, based on the number of current disability parking spaces, being 2% of the total parking spaces in the area, which indicates the total number of available disability parking spaces surpasses the mandated standards.
 - That a pedestrian crossing not to be installed, due to the data collected from the traffic counters, does not meet Transport for NSW requirements to warrant a pedestrian crossing, due to the low volume of traffic in this area; and that installation of a pedestrian crossing would also reduce the number of parking spaces.
 - That the current disability parking spaces adjacent to the amenities block at the North Family Play Centre remain unchanged and the request for relocation be denied, due to safety concerns.
 - That correspondence be forwarded to the complainant, advising of the Committee's determination.
4. That Item No.441.11.1 recommendation be endorsed:
 - That the organiser of the 16 Days of Activism event and protest march be requested to complete Council's application for a full road closure for the event, including a Traffic Control Plan for the closure of Chloride Street, between Cobalt Street and Argent Street, at the Town Square for the event.
5. That Item No.441.11.2 recommendation be endorsed:
 - That the Local Traffic Committee endorse the Traffic Control Plans for the Christmas Pageant, including closure of associated drop-off areas.
 - That additional 'Road Closed' signs be placed at the Beryl and Chloride Streets and the Blende and Chloride Streets intersection and the Traffic Control Plans be updated.
6. That Item No.441.11.3 recommendation be endorsed:
 - That the Local Traffic Committee endorse the Traffic Control Plan prepared for the temporary closure of Federation Way for the New Year's Eve Fireworks display on Sunday, 31 December 2023.
7. That Item No.441.11.5 recommendations be endorsed:
 - That 'No Stopping' signs be installed 20 meters on the approach to the pedestrian crossing on Comstock Street and Boughtman Streets, adjacent to the Alma Public School.

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- That the 45-degree angle parking on Cobalt Street, adjacent the YMCA Wellness Centre be changed to 60-degree angle parking, bringing the rear of parked vehicles closer to the kerb, to reduce the impact on the carriage way.
 - That the 'No Stopping' area between the angle parking and the disability parking spaces on Cobalt Street, be changed to 'No Parking' to allow a drop-off and pick-up area.
8. That Item No.439.8.2 recommendation be endorsed:
- That correspondence be forwarded to the complainant advising of the Committee decision to change the angle parking spaces to two parallel parking spaces, adjacent to Hungry Jacks at 445 Argent Street.
9. That Item No.441.9.1 recommendation be endorsed:
- That the unrestricted parking space on Gawler Place adjacent to the RFDS Wellbeing Place gates, be removed and the businesses in the vicinity be notified of the Local Traffic Committee's determination.
- CARRIED UNANIMOUSLY
- 12 Dec 2023 2:35pm Howard, Codie**
Item No.423.8.3 - Response has been sent to complainant, no further action. COMPLETED., Item No.441.11.1 - Event location has now been changed with traffic control plan, no longer needed. No further action - COMPLETED., Item No.441.11.2 - Event was successfully held. No further action - COMPLETED., Item No.441.11.3 - Event to be held 31 December., Item No.441.11.5 - With operational team for completion., Item No.439.8.2 - Response has been sent to business owner., Item No.441.9.1 - Currently in consultation period with neighbouring businesses.
- 23 Jan 2024 2:13pm Howard, Codie**
Item No.423.8.3 - COMPLETED., Item No.441.11.1 - COMPLETED., Item No.441.11.2 - COMPLETED., Item No.441.11.3 - COMPLETED., Item No.441.11.5 - No change in status., Item No.439.8.2 - COMPLETED., Item No.441.9.1 - No change in status.
- 29 Jan 2024 2:20pm Butcher, Lacey - Completion**
Completed by Butcher, Lacey on behalf of Howard, Codie (action officer) on 29 January 2024 at 2:20:56 PM
- 29 Jan 2024 2:39pm Butcher, Lacey - Completion**
Uncompleted by Butcher, Lacey
- 20 Feb 2024 12:00pm Butcher, Lacey**
Item No.441.11.5 - No change in status, Item No.441.9.1 - No change in status
- 20 Mar 2024 11:43am Butcher, Lacey**
No change in status
- 17 Apr 2024 10:14am Butcher, Lacey**
No change in status
- 14 May 2024 4:05pm Butcher, Lacey**
Item No 441.11.5 - Complete
- 18 Jun 2024 11:53am Howard, Codie**
Item No. 441.9.1 - No change in status
- 24 Jul 2024 11:27am Murray, Jessica**
No change in status
- 21 Aug 2024 10:16am Murray, Jessica**

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Line marking to commence soon
18 Oct 2024 2:04pm Murray, Jessica
 Line marking in progress

Meeting	Officer/Director	Section	Subject
Ordinary Council 28/02/2024	Howard, Codie Nankivell, Jay	Further Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.443, HELD ON TUESDAY, 6 FEBRUARY 2024
<u>Resolved</u>			
<ul style="list-style-type: none"> • That Broken Hill City Council Report No. 25/24 dated February 14, 2024, be received. • That the minutes of the Local Traffic Committee – Meeting No. 443, held on Tuesday, 6 February 2024 be endorsed. • That Item No. 443.10.3 recommendations be received: <ul style="list-style-type: none"> ○ That the Committee support the request for two additional bus zones on Garnet Street, adjacent to the Broken Hill High School, during Term 1 for Willyama High School students attending the school. ○ That a 'No Stopping' sign be installed 10 meters from the temporary bus zone to the disability parking on the left side of the hatching on Galena Street, adjacent to the Broken Hill High School, to allow a safe sight distance for disability parking between the bus zones. • That Item No. 443.10.4 recommendation be received: <ul style="list-style-type: none"> ○ That Council issue a media release informing that Council has introduced new measures for traffic-controlled worksites, advising if a motorist is seen or caught driving through a traffic-controlled worksite, details will be forwarded to the NSW Police to enforce action and issue fines. • That Item No. 443.8.1 recommendation be received: <ul style="list-style-type: none"> ○ That Council paint double white lines on Argent Street, from the median strip up to and in line with Delamore Street, to prevent motorist performing U-turns at the end of the median strip. 			
CARRIED UNANIMOUSLY			
<p>20 Mar 2024 4:06pm Butcher, Lacey With operational tem for completion.</p> <p>08 Apr 2024 9:14am Howard, Codie Item No. 443.10.3 - Completed, Item No. 443.10.4 - Currently Liaising with NSW Police fro joint media release., Item No. 443.8.1 - To be completed in May.</p> <p>17 Apr 2024 10:19am Butcher, Lacey No change in status</p> <p>14 May 2024 4:15pm Butcher, Lacey No change in status</p>			

For Action Action Sheets Report	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 30/06/2020 Date To: 23/10/2024 Printed: Wednesday, 23 October 2024 9:25:46 AM
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18 Jun 2024 4:00pm Howard, Codie
No change in status

24 Jul 2024 11:33am Murray, Jessica
No change in status

21 Aug 2024 10:07am Murray, Jessica
Endorsed by traffic committee 6/8/24. In progress.

17 Oct 2024 1:11pm Murray, Jessica
COMPLETE - Traffic Plan forwarded to the High School who have reviewed the plan and suggestions from the Traffic Committee. Plan in place until Willyama secure funding for the line marking.

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/03/2024	Howard, Codie Nankivell, Jay	Further Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.444, HELD ON TUESDAY, 5 MARCH 2024
<u>Resolved</u>			
1. That Broken Hill City Council Report No. 43/24 dated March 13, 2024, be received.			
2. That the minutes of the Local Traffic Committee – Meeting No.444, held on Tuesday, 5 March 2024 be endorsed.			
3. That Item No.444.10.2 recommendation be received: <ul style="list-style-type: none"> • That Council change two of the four parking spaces at the 'Taxi Zone', located on the left side of the Airport Terminal, to designated parking spaces for Ride Share/Uber services. 			
4. That Item No.440.10.1 recommendations be received: <ul style="list-style-type: none"> • That correspondence be forwarded to the appropriate Council Department requesting a Risk Assessment of the Heritage Walk Tour route be completed and that a Traffic Control Plan be developed. • That results of the Risk Assessment and a Traffic Control Plan be provided to the Local Traffic Committee for review and feedback. • That this matter be removed from the Local Traffic Committee's Agenda and be readdressed once Council has a solution, which can be reviewed and considered by the Local Traffic Committee at a future meeting. 			
5. That Item No.442.8.3 recommendations be received: <ul style="list-style-type: none"> • That Council install a 'No Right Turn' sign on Cobalt Lane, at the intersection of Gossan Street. • That the complainant received correspondence advising of the Committee decision to install a 'No Right Turn' sign and advise other matters raised were noted by the Committee. 			

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6. That Item No.444.8.1 recommendation be declined. That Council does not approve to change the parking space next to the hatched area, adjacent to Outback Whips and Leather at 350 Argent Street, to an 'Emergency Services Vehicles Only' parking space, to allow parking of Emergency Services vehicles.
7. That the Traffic Committee investigates reducing the taxi rank parking spaces in Oxide Street adjacent to the ANZ building and provides a recommendation to Council on the outcome of the investigation.

CARRIED UNANIMOUSLY

- 17 Apr 2024 10:16am Butcher, Lacey
Currently with the operations team for action
- 14 May 2024 4:15pm Butcher, Lacey
No change in status
- 18 Jun 2024 4:02pm Howard, Codie
No change in status
- 24 Jul 2024 11:35am Murray, Jessica
No change in status
- 21 Aug 2024 10:09am Murray, Jessica
Line marking to be scheduled - In progress
- 18 Oct 2024 2:05pm Murray, Jessica
Line marking in progress

Meeting	Officer/Director	Section	Subject
Ordinary Council 27/03/2024	Falkner, Georgina Nankivell, Jay	Confidential Matters	PROPOSED LEASE OF SUITE 2 / 23-27 BROMIDE STREET
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 39/24 dated February 28, 2024, be received. 2. That Council grant a new lease to the existing tenant (Muhammad Ilyas Dexter) at Suite 2 / 23-27 Bromide Street for a period of 12 months with an option to renew for a further two years, with the new lease to reflect the terms and conditions of the previous lease. 3. That the Mayor and General Manager sign the new lease under the Common Seal of Council. 			
CARRIED UNANIMOUSLY			
<ul style="list-style-type: none"> 17 Apr 2024 10:24am Butcher, Lacey Lease being drafted 21 May 2024 3:21pm Falkner, Georgina No change in status 			

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18 Jun 2024 3:12pm Falkner, Georgina No change in status
22 Jul 2024 1:16pm Murray, Jessica No change in status
21 Aug 2024 10:21am Falkner, Georgina Lease with tenant for review and signing
17 Oct 2024 1:29pm Murray, Jessica No change in status

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/05/2024	Howard, Codie Nankivell, Jay	Health and Building Committee Reports	PLANNING PORTAL WORKSHOP
<u>Resolved</u>			
1. That Motions of Which Notice has been Given No. 1/24 dated May 16, 2024, be received.			
2. That the Health & Building Committee invite the General Manager to arrange a series of workshop evenings with local builders and other interested parties to discuss the lodgement of Development Applications (DA) and Construction Certificates (CC).			
CARRIED UNANIMOUSLY			
18 Jun 2024 4:39pm Murray, Jessica In Progress			
22 Jul 2024 1:16pm Murray, Jessica Draft EOI in progress and staff perparing workshop content.			
21 Aug 2024 11:24am Murray, Jessica Consultations sessions with stakeholders underway			
17 Oct 2024 1:33pm Murray, Jessica In progress			

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/05/2024	Howard, Codie Nankivell, Jay	Further Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.446, HELD ON TUESDAY, 10 MAY 2024
<u>Resolved</u>			
• That Broken Hill City Council Report No. 82/24 dated May 23, 2024, be received.			

<p>For Action</p> <p>Action Sheets Report</p>	<p>Division: Ordinary Council</p> <p>Committee:</p> <p>Officer:</p> <p>Further Report Required: Including Further Reports</p>	<p>Date From: 30/06/2020</p> <p>Date To: 23/10/2024</p> <p>Printed: Wednesday, 23 October 2024 9:25:46 AM</p>
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- That the minutes of the Local Traffic Committee – Meeting No. 446, held on Tuesday, 10 May 2024 be endorsed.
- That Item No. 446.10.1 recommendation be received:
 - That Council posts messaging on its social media encouraging members of the community to assist NSW Police, by providing helpful information to catch offenders of unregistered motorbikes.
- That Item No. 446.10.2 recommendation be received:
 - That Council further consult with management of SIXT in relation to their request and that Council inspect the area to consider possible options.
- That Item No. 445.10.1 recommendation be received:
 - That Council undertake observation of parking arrangements and complete a concept plan for possible angle parking on Garnet and Kaolin Street, adjacent to the Broken Hill High School.
- That Item No. 445.10.2 recommendation be received:
 - That consultation be undertaken with the taxi companies to seek feedback in relation to the Local Traffic Committee's proposal, to allocate two of the taxi bays on Oxide Street, adjacent to the ANZ Bank for Uber and Ride Share services.
- That Item No. 446.8.1 recommendation be received:
 - That Council analyse traffic and crash data, undertake a site inspection, including sight distances in the area and place traffic counters on Wyman Street, near the Oxide Street intersection to determine the speed and volume of traffic.
- That Item No. 446.8.2 recommendations be received:
 - That Council design a concept plan showing the conversion of two angle parking spaces to one parallel parking space on Argent Street, adjacent to the Duke of Cornwall building at 76 Argent Street.
 - That traffic counters be installed on Kaolin Street, near the Argent Street intersection to collect data to determine the volume and speed of traffic in the area.
 - That the resident be advised of the Committee's recommendations.
- That Item No. 446.8.3 recommendations be received:
 - That the Traffic Control Plan for the Road Closure and Hoarding required for the Broken Heel Festival event, adjacent to the Palace Hotel from 4-9 September 2024, be approved.
 - That the organiser of the Broken Heel Festival be instructed to ensure a traffic controller is onsite for the duration of the event to manage traffic control.

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- That Item No. 446.8.4 recommendation be received:
 - That the Local Traffic Committee support the bus company, CDC's decision to object the request for removal or relocation of the bus seat, located on Argent Street, adjacent to the Palace Hotel.
- CARRIED UNANIMOUSLY
- 18 Jun 2024 4:03pm Howard, Codie**
Item No. 446.10.1 - Consultation with NSW Police on-going, Item No. 446.10.2 - Consultation on-going, Item No. 445.10.1 - A concept design is being completed., Item No. 445.10.2 - Consultation on-going, Item No. 446.8.1 - Traffic counters still to be installed. , Item No. 446.8.2 - A concept design is being completed and Traffic counters still to be installed. , Item No. 446.8.3 - Completed, Item No. 446.8.4 - Completed
- 24 Jul 2024 11:40am Murray, Jessica**
Item No. 446.10.1 - Consultation with NSW Police on-going, Item No. 446.10.2 - Consultation on-going, Item No. 445.10.1 - A concept design is being completed., Item No. 445.10.2 - Consultation on-going, Item No. 446.8.1 - Traffic counters have been installed with data being presented to August Traffic Committee for action. , Item No. 446.8.2 - Traffic counters have been installed with data being presented to August Traffic Committee for action. , Item No. 446.8.3 - Completed, Item No. 446.8.4 - Completed
- 21 Aug 2024 10:19am Murray, Jessica**
Ongoing
- 17 Oct 2024 1:22pm Murray, Jessica**
COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 31/07/2024	Brown, Simon Nankivell, Jay	Health and Building Committee Reports	PROPOSED LICENCE OF 252 ARGENT STREET
<u>Resolved</u>			
1. That Broken Hill City Council Report No. 101/24 dated June 4, 2024, be received.			
2. That Council notes that the proposed use of the old Police Station at 252 Argent Street was placed on public exhibition for a 28 days period during which time Council received nil submissions from the public.			
3. That Council grants a 12-month license for 252 Argent Street to the Broken Hill Military Museum for the establishment of a museum with the view to obtaining ministerial consent for a longer-term lease.			
4. That the Mayor and General Manager be authorised to sign and execute licence documents under the common seal of Council.			
CARRIED UNANIMOUSLY			
21 Aug 2024 9:46am Murray, Jessica In Progress - Lease being prepared			
17 Oct 2024 1:34pm Murray, Jessica Licence granted - COMPLETE			

For Action Action Sheets Report	Division: Committee: Ordinary Council Officer: Further Report Required: Including Further Reports	Date From: 30/06/2020 Date To: 23/10/2024 Printed: Wednesday, 23 October 2024 9:25:46 AM
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Meeting	Officer/Director	Section	Subject
Ordinary Council 31/07/2024	Bartlett, Leisa Nankivell, Jay	Policy And General Reports	COUNCILLOR ATTENDANCE AT THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE TO BE HELD IN TAMWORTH 17-19 NOVEMBER 2024
<u>Resolved</u>			
1. That Broken Hill City Council Report No. 107/24 dated July 17, 2024, be received. 2. That Council determines that the Mayor, Deputy Mayor and three (3) Councillor Delegates attend the Local Government NSW Annual Conference to be held in Tamworth 17-19 November 2024. 3. That Council determines its two voting delegates and advise Local Government NSW prior to 6 November 2024. 4. That Council at its Ordinary Meeting to be held on 30 October 2024 (being the first meeting following the Local Government Elections), determines which three (3) Councillor delegates will attend the Local Government NSW Conference.			
CARRIED UNANIMOUSLY			
13 Aug 2024 10:11am Murray, Jessica Accommodation booked and confirmed. 17 Oct 2024 1:36pm Murray, Jessica COMPLETE - Councillor delegates appointed and all processes done as per the resolution.			

Meeting	Officer/Director	Section	Subject
Ordinary Council 31/07/2024	Brown, Simon Nankivell, Jay	Confidential Matters	SALE OF LAND FOR UNPAID RATES
<u>Resolved</u>			
1. That Broken Hill City Council Report No. 120/24 dated June 17, 2024, be received. 2. That Council proceed with the sale of land for unpaid rates for eligible properties as attached to this report. 3. That Council call for expressions of interest for services to undertake the process for sale of the listed properties. 4. That Council delegate authority to the General Manager to take the following actions pertaining to the properties specified in the report:			

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- a) To withdraw from sale of any property that, prior to commencement of the auction, has had all rates and charges payable (including overdue rates and charges) paid in full; or a suitable payment arrange has been agreed to and entered into including a suitable upfront payment being made.
 - b) To withdraw any property from sale for technical or legal reasons;
 - c) To set reserve prices for sale of the properties at auction;
 - d) To negotiate by private treaty and accept offers for sale of any property that fails to sell at auction
 - e) To execute sale and purchase contracts, and property transfer documents, under Council's Common Seal
 - f) To write off residual rates outstanding due to shortfall in sale for individual properties
 - g) Be authorised to appoint a Council Officer to bid on Council's behalf for selected properties at auction.
- CARRIED UNANIMOUSLY
- 21 Aug 2024 9:47am Murray, Jessica
In Progress - Auction to occur in February
- 17 Oct 2024 1:37pm Murray, Jessica
In progress

Meeting	Officer/Director	Section	Subject
Ordinary Council 31/07/2024	Howard, Codie Nankivell, Jay	Confidential Matters	T23/34 - TENDER - WARNOCK STREET DEPOT - GARAGE WORKSHOP CONSTRUCTION
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Tender Report No. 4/24 dated July 18, 2024, be received. 2. That Council award the contract for T23/34 – Request for Tender – Warnock Street Depot – Garage Workshop Construction to Structen Pty Ltd for a total price of \$4,893,660.00 (excluding GST). 3. That Council approve a revised total budget for this project at \$6,110,761 excluding GST. 4. That the General Manager and/or Mayor be authorised to sign the Tender contract and affix the Seal of Council if required. 			

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CARRIED UNANIMOUSLY

21 Aug 2024 10:57am Murray, Jessica
In progress

17 Oct 2024 1:42pm Murray, Jessica
In progress

Meeting	Officer/Director	Section	Subject
Ordinary Council 28/08/2024	Bartlett, Leisa Nankivell, Jay	Mayoral Minute	DAYDREAM MINE ROAD
Resolved			
<ol style="list-style-type: none"> That Mayoral Minute No. 16/24 dated August 19, 2024, be received. That Council writes to the Minister for Jobs and Tourism and Minister for Roads The Hon John Graham MLC, the Minister for Regional Transport and Roads The Hon Jenny Aitchison MP, the Minister for Western NSW The Hon Tara Moriarty MLC, and the Member for Barwon Mr Roy Butler MP, advocating for the sealing of the Daydream Mine Road, Local Road UR19 which is an unsealed road to one of the major tourist attractions in the Far West NSW region. That Council approaches the Broken Hill Roads and Maritime Service to discuss the possibility of Council undertaking maintenance/repair work on the Daydream Mine Local Road UR19 after rain events (with the costs of which to be recovered from the Roads and Maritime Service) in order that the road can be re-opened in a more timely manner following rain events, for the benefit of tourists visiting the Daydream Mine tourist attraction. That the Roads and Maritime Service be requested to carry out more regular proactive maintenance on the Daydream Local Road UR19 to ensure the condition and safety of the unsealed road and in readiness for its possible future sealing. 			
CARRIED UNANIMOUSLY			
09 Sep 2024 11:38am Murray, Jessica COMPLETE - Correspondence sent as per the Council resolution			

Meeting	Officer/Director	Section	Subject
Ordinary Council 28/08/2024	Nu'man, Razija Nankivell, Jay	Policy And General Reports	ADOPTION OF THE DRAFT CUSTOMER EXPERIENCE FRAMEWORK
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 123/24 dated July 3, 2024, be received. 			

For Action	Division: Ordinary Council	Date From: 30/06/2020
Action Sheets Report	Committee: Ordinary Council	Date To: 23/10/2024
	Officer: Including Further Reports	Printed: Wednesday, 23 October 2024 9:25:46 AM
	Further Report Required: Including Further Reports	

2. That Council notes that the draft Customer Experience Charter and the draft Complaints Management Policy were placed on public exhibition closing 2 August 2024 during which time Council received nil submissions from the public.
3. That Council adopts the draft Customer Experience Charter and the draft Complaints Management Policy to be implemented under policy governance and as per the Customer Experience Framework.

CARRIED UNANIMOUSLY

09 Sep 2024 11:36am Murray, Jessica
COMPLETE - All processes done as per the Council Resolution.

Meeting	Officer/Director	Section	Subject
Ordinary Council 28/08/2024	Nu'man, Razija Nankivell, Jay	Policy And General Reports	BROKEN HILL POPULATION FORECAST AS PER MINUTE NUMBER FROM ORDINARY COUNCIL MEETING HELD 29/5/2024
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 124/24 dated June 28, 2024, be received and noted. 2. That a report be provided to Council regarding occupancy rates at the Broken Hill Base Hospital over the past five (5) years and that these figures include influenza seasons; periods where the beds were unavailable in various wards; and the number of beds occupied by patients waiting for aged care facility placement. 			
CARRIED UNANIMOUSLY			
21 Oct 2024 1:11pm Murray, Jessica Report currently being drafted (Awaiting response from FWLHS)			

Meeting	Officer/Director	Section	Subject
Ordinary Council 28/08/2024	Nu'man, Razija Nankivell, Jay	Policy And General Reports	MINUTES OF THE BROKEN HILL CITY ART GALLERY ADVISORY COMMITTEE MEETING HELD 19 JUNE 2024
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 126/24 dated August 5, 2024, be received. 2. That the minutes of the Broken Hill City Art Gallery Advisory Committee Meetings held 19 June 2024 be received. 			

For Action	Division: Ordinary Council	Date From: 30/06/2020
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	Further Report Required: Including Further Reports	

3. That Council sends a letter of appreciation to retiring volunteer Ms Phyllis Files for her many years of service on the committee.

4. That Council forwards condolences to the family of the late committee member, Mr Rod Horsburgh who passed away recently.

CARRIED UNANIMOUSLY

23 Sep 2024 10:27am Blunden, Lauren
Correspondence drafted and sent to recipients - COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 28/08/2024	Bartlett, Leisa Nankivell, Jay	Further Reports	CORRESPONDENCE REPORT - LINE OF LODE CAFE AND VISITORS CENTRE
Resolved			
1. That Broken Hill City Council Report No. 128/24 dated July 1, 2024, be received.			
2. That reply correspondence dated 27 June 2024, from the Hon Mark Coulton MP be received and noted.			
3. That reply correspondence dated 17 July 2024 from the Minister for Jobs and Tourism be received and noted.			
4. That reply correspondence from the Minister for Lands and Property dated 30 July 2024 (forwarded to Council by Mr Roy Butler MP) advising that the Crown Lands Department have entered into a Crown Lands Licence with Foundation Broken Hill to manage the Line of Lode Reserve, the Licence terms include nil rent for the next two years plus a two year extension option and also includes the ability for the Foundation to sub-licence any part of the Reserve, be received and noted.			
5. That Council congratulates Foundation Broken Hill on acquiring a licence to operate the Line of Lode Café and Precinct.			
CARRIED UNANIMOUSLY			
09 Sep 2024 11:38am Murray, Jessica COMPLETE - All processes done as per the Council resolution			

Meeting	Officer/Director	Section	Subject
Ordinary Council 28/08/2024	Howard, Codie Nankivell, Jay	Further Reports	UPGRADE TO LAMB OVAL AND DUFF STREET PARK CRICKET NETS
Resolved			

For Action	Division: Ordinary Council	Date From: 30/06/2020
Action Sheets Report	Committee: Ordinary Council	Date To: 23/10/2024
	Officer: Including Further Reports	Printed: Wednesday, 23 October 2024 9:25:46 AM
	Further Report Required: Including Further Reports	

1. That Broken Hill City Council Report No. 134/24 dated August 21, 2024, be received.
2. That Council approve the upgrade and installation of upgraded cricket nets for the Lamb Oval and Duff Street Park for the upcoming Cricket Season, due to the removal of cricket nets at both the Willyama High School and Broken Hill High School (as a result of the Willyama High School rebuild and subsequent temporary relocation of the school to Broken Hill High School site).
3. That Council delegate to the General Manager authority to increase Council's capital budget by \$130,000 to accommodate the upgrade of the cricket nets, noting that this is within the designated limits of the caretaker period; and authorise such expenditure to occur.

CARRIED UNANIMOUSLY

17 Oct 2024 1:47pm Murray, Jessica
COMPLETE - All actions completed as per the resolution

Meeting	Officer/Director	Section	Subject
Ordinary Council 28/08/2024	Howard, Codie Nankivell, Jay	Further Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO.449, HELD ON TUESDAY, 6 AUGUST 2024
<u>Resolved</u>			
1. That Broken Hill City Council Report No. 135/24 dated August 19, 2024, be received.			
2. That Item No.449.10.1 recommendation be received:			
<ul style="list-style-type: none"> • That Council have further consultation with the resident to seek clarity of the concern raised and that this matter be carried over for determination at the September 2024 meeting. 			
3. That Item No.446.8.3 recommendation be received:			
<ul style="list-style-type: none"> • The Local Traffic Committee endorses the Traffic Control Plan for the Road Closure Application, which includes closing Sulphide Street between Argent and Crystal Lane, Argent Street between Oxide and Chloride Street and a section of Chloride Street for the street parade during the Broken Heel Festival. 			
4. That Item No.445.10.1 recommendations be received:			
<ul style="list-style-type: none"> • That the Local Traffic Committee endorse the Traffic Management Plan developed by Council and the actions below to address traffic and pedestrian safety around the Broken Hill High School and Willyama High School site. <ul style="list-style-type: none"> ○ Install four new refuge islands on Garnet, Wolfram and Kaolin Streets. 			

For Action	Division: Ordinary Council	Date From: 30/06/2020
Action Sheets Report	Committee: Ordinary Council	Date To: 23/10/2024
	Officer:	
	Further Report Required: Including Further Reports	Printed: Wednesday, 23 October 2024 9:25:46 AM

- Upgrade all school signage (29 signs).
 - Organise line marking, with costs for car parks covered by Public Education and other line marking by Council.
 - That the Principals of Broken Hill High School and Willyama High School be advised of the Local Traffic Committee decision.
5. That Item No.445.10.2 recommendation be received:
- That two of the Taxi bays be changed to Uber and Ride Share bays and signs be installed for a trial period of six months.
 - Following the trial period, the Committee then review to determine if a permanent change is warranted.
6. That Item No.446.8.1 recommendation be received:
- That line marking be painted on the road to narrow the width of Wyman Street at the Oxide Street intersection and the Police be provided the traffic data to undertake inspection of the area at the identified high traffic periods.
7. That Item No.446.8.2 recommendation be received:
- That this matter be referred to the Police to observe the area and that no further action be required by the Local Traffic Committee.
8. That Item No.448.8.1 recommendation be received:
- That the last parking space on Oxide Street, between Wolfram Lane and Mica Street at the Wolfram Lane end, be changed to a 15-minute parking space for a six month trial period.
 - Following the trial period, the Committee then to review to determine if the 15-minute parking space will be made permanent.
- CARRIED UNANIMOUSLY
- 17 Oct 2024 1:25pm Murray, Jessica
449.10.1 - Pending, 450.10.1 - Complete, 450.10.2 - Complete, 450.10.3 - Complete, 450.10.4 - Complete

For Action	Division: Extraordinary Council	Date From: 30/06/2020
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	Officer: Including Further Reports	Printed: Wednesday, 23 October 2024 10:00:36 AM
	Further Report Required: Including Further Reports	

Meeting	Officer/Director	Section	Subject
Extraordinary Council 9/10/2024	Bartlett, Leisa Nankivell, Jay	Further Reports	ELECTION OF DEPUTY MAYOR
<u>Resolved</u>			
1. That Broken Hill City Council Report No. 137/24 dated October 3, 2024, be received.			
2. That pursuant to the <i>Local Government Act 1993 Section 231</i> Council elects the Deputy Mayor at this meeting and the election be carried out in accordance with the <i>Local Government (General) Regulation 2021 Schedule 7</i> .			
3. That the Deputy Mayor be elected for the period commencing from this Council Meeting until the September 2025 Ordinary Council Meeting.			
4. That voting in the Deputy Mayor election be by open voting, i.e. "show of hands".			
5. That the result of the Deputy Mayor election be forwarded to the Office of Local Government and to Local Government NSW.			
CARRIED UNANIMOUSLY			
18 Oct 2024 2:15pm Murray, Jessica			
COMPLETE - Deputy Mayor Hickey elected, all processes complete as per the Council resolution			

Meeting	Officer/Director	Section	Subject
Extraordinary Council 9/10/2024	Bartlett, Leisa Nankivell, Jay	Further Reports	DELEGATION OF FUNCTIONS
<u>Resolved</u>			
1. That Broken Hill City Council Report No. 138/24 dated October 3, 2024, be received.			
2. That pursuant to the <i>Local Government Act 1993 Chapter 9 Part 2 Division 1 Section 223(1)(a)</i> the Broken Hill City Council delegates to the Mayor of the Broken Hill City Council, the Functions of the Mayor pursuant to the <i>Local Government Act 1993 Chapter 9 Part 2 Division 2 Section 226</i> and in accordance with the Instruments of Delegation attached to this report at Attachment 1.			
3. That pursuant to the <i>Local Government Act 1993 Chapter 9 Part 2 Division 1 Section 223(1)(a)</i> the Broken Hill City Council delegates to the Deputy Mayor of the Broken Hill City Council, the Functions of the Deputy Mayor pursuant to the <i>Local Government Act 1993 Division 2 Section 231</i> and in accordance with the Instruments of Delegation attached to this report at Attachment 2.			

For Action	Division: Extraordinary Council	Date From: 30/06/2020
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Action Sheets Report	Officer: Including Further Reports	Printed: Wednesday, 23 October 2024
	Further Report Required:	10:00:36 AM

4. That pursuant to the *Local Government Act 1993 Chapter 9 Part 2 Division 1 Section 223(1)(a)* the Broken Hill City Council delegates to the General Manager of the Broken Hill City Council, the Functions of General Manager pursuant to the *Local Government Act 1993 Chapter 12 Part 3 Section 377* and in accordance with the Instrument of Delegation attached to this report at Attachment 3.
 5. That Council notes that pursuant to the *Local Government Act 1993 Chapter 12 Part 3 Sections 377 and 378* the General Manager will sub-delegate functions of the General Manager to the relevant Council Officers as per the Schedule of Delegable Functions for the Broken Hill City Council attached to this report at Attachment 4.
 6. That during the current Term of Council, the Broken Hill City Council delegates authority to the Mayor pursuant to the *Local Government Act 1993 Chapter 9 Part 2 Division 1 Section 223(1)(a)* for the Mayor to consult with the General Manager to determine and issue to the appropriate Council Officer who from time to time will act in the position of General Manager if the General Manager is sick or otherwise absent from work on leave, with such appointment to cease upon the return to work of the General Manager; and that such person acting as General Manager pursuant to this Council resolution be given all the functions and delegations given to the General Manager by the Council in accordance with the *Local Government Act 1993 Chapter 12 Part 3 Sections 377* and as issued by point 4 of this recommendation.
- CARRIED UNANIMOUSLY

21 Oct 2024 12:19pm Murray, Jessica
COMPLETE - All processes complete as per the Council Resolution

Meeting	Officer/Director	Section	Subject
Extraordinary Council 9/10/2024	Bartlett, Leisa Nankivell, Jay	Further Reports	APPOINTMENT OF DELEGATES TO COMMITTEES - OCTOBER 2024 TO SEPTEMBER 2025
<u>Resolved</u>			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 139/24 dated October 10, 2024, be received. 2. That Council disbands the S355 Friends of the Flora and Fauna of the Barrier Ranges Community Committee in order to transition to the Living Desert State Park Volunteer Group and forwards letters of acknowledgement to the Committee's former members. 3. That Council adopts the draft Terms of Reference for the formation of the Living Desert State Park Volunteer Group and calls for nominations for community members on the Volunteer Group. 4. That Council disbands the S355 Riddiford Arboretum Community Committee in order to transition to the Riddiford Arboretum Volunteer Group and forwards letters of acknowledgement to the Committee's former members. 5. That Council adopts the draft Terms of Reference for the formation of the Riddiford Arboretum Volunteer Group and calls for nominations for community members on the Volunteer Group. 			

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6. That Council disbands the S355 BIU Band Hall Community Committee; and presents a further report to Council for consideration to enter into licence agreements for the two main users of the BIU Band Hall being the BIU Band and the Broken Hill Soccer Association.
7. That Council reviews the Constitution of the S355 Broken Hill Heritage Advisory Committee, due to the original intent of the Committee (to oversee the organisation of the Broken Hill Heritage Festival) being no longer undertaken; and that Councillors not be appointed to the Committee at this stage.
8. That Council reviews the Constitution of the S355 Alma Oval Community Committee (which was temporarily disbanded in July 2023) with a view to reinstate the Committee and to introduce user group representatives instead of community representatives, and that Councillors be appointed to this Committee in readiness for its reinstatement.
9. That Council representatives on Section 355 Committees and various other Committees and Working Groups for the period October 2024 until the September 2025 Ordinary Council Meeting be as follows:

STANDING COMMITTEES

Infrastructure and Environment

Mayor and 4 Councillors

- Mayor Kennedy
- Deputy Mayor Hickey
- Councillor Algate
- Councillor Gallagher
- Councillor Byrne

Community Development

Mayor and 5 Councillors

- Mayor Kennedy
- Deputy Mayor Hickey
- Councillor Jewitt
- Councillor Algate
- Councillor Chandler
- Councillor Gillett

Finance and Governance

Mayor and 5 Councillors

- Mayor Kennedy

For Action

Action Sheets Report

Division: Extraordinary Council
Committee:
Officer:
Further Report Required: Including Further Reports

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Councillor Algate
Councillor Byrne
Councillor Chandler
Councillor Boland
1 vacant position

COUNCIL S355 COMMITTEES

Ageing Well Advisory Committee

3 Councillors

Councillor Gallagher
Councillor Jewitt
Councillor Algate

Alma Oval Community Committee

At least 1 Councillor

Councillor Boland
Councillor Byrne

Broken Hill Heritage Advisory Committee

3 Councillors

Councillors have not been appointed to this Committee as the Constitution is required to be reviewed and presented to Council.

Broken Hill City Art Gallery Advisory Committee

3 Councillors

Councillor Chandler
Councillor Gillett
Councillor Boland

ET Lamb Memorial Oval Community Committee

At least 1 Councillor

Councillor Gallagher

Memorial Oval Community Committee

At least 1 Councillor

Councillor Gallagher

For Action

Action Sheets Report

Division: Extraordinary Council
Committee:
Officer:
Further Report Required: Including Further Reports

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Norm Fox Sportsground Community Committee

At least 1 Councillor
Councillor Algate

Picton Sportsground Community Committee

At least 1 Councillor
Councillor Gallagher

Youth Advisory Committee

3 Councillors
Councillor Jewitt
Councillor Chandler
1 vacant position

OTHER COMMITTEES

Association of Mining and Energy Related Councils

1 Councillor
Deputy Mayor Hickey

Australia Day Advisory Group

4 Councillors
Councillor Gallagher
Councillor Byrne
Councillor Jewitt
1 vacant position

Australian Floodplains Association

Mayor and Alternate
Mayor Kennedy
Deputy Mayor Hickey (Alternate)

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Australian Mining Cities and Centres Alliance

Mayor and Deputy Mayor (Alternate)

Mayor Kennedy
Deputy Mayor Hickey (Alternate)

Audit, Risk and Improvement Committee

Mayor (Observer) and 1 Councillor (Non-voting member)

Mayor Kennedy (Observer)
Councillor Algate (Non-voting member)

Asset Naming Committee

4 Councillors

Councillor Algate
Councillor Chandler
Councillor Jewitt
Councillor Boland

Broken Hill ClubGRANTS Committee

2 Councillors

Deputy Mayor Hickey
Councillor Gallagher

Broken Hill Education Working Group

Mayor, Deputy Mayor and 1 Councillor

Mayor Kennedy
Deputy Mayor Hickey
Councillor Chandler

Broken Hill Lead Reference Group

1 Councillor

1 vacant position

Broken Hill Liquor Accord

1 Councillor

Councillor Gallagher

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Broken Hill Traffic Committee

1 Councillor (Observer)

Councillor Algate (Observer)

Community Assistance Grants Panel

Mayor and 2 Councillors

Mayor Kennedy

Councillor Gallagher

Councillor Algate

Companion Animals Management Working Group

3 Councillors

Mayor Kennedy

Councillor Gillett

Councillor Jewitt

Country Mayor's Association

Mayor and Deputy Mayor (Alternate)

Mayor Kennedy

Deputy Mayor Hickey (Alternate)

Disability Inclusion Action Plan Working Group

2 Councillors

Councillor Chandler

Councillor Gillett

EP O'Neill Memorial Precinct Project Steering Group

Mayor, Deputy Mayor and 1 Councillor

Mayor Kennedy

Deputy Mayor Hickey

Councillor Algate

Far West Joint Organisation

Mayor and Deputy Mayor

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Mayor Kennedy
Deputy Mayor Hickey

Fruit Fly Control Awareness Working Group

3 Councillors

Deputy Mayor Hickey
Councillor Chandler
Councillor Gillett

Gateway Signage Advisory Committee

Mayor, Deputy Mayor and at least 1 Councillor

Mayor Kennedy
Deputy Mayor Hickey
Councillor Algate

General Manager's Performance Review Committee

Mayor, Deputy Mayor and 3 Councillors

Mayor Kennedy
Deputy Mayor Hickey
Councillor Algate
Councillor Gallagher
Councillor Byrne

Library and Cultural Precinct Project Steering Group

Mayor and Deputy Mayor

Mayor Kennedy
Deputy Mayor Hickey

Menindee Lakes Stakeholder Group

1 Councillor

Deputy Mayor Hickey

Murray Darling Association Region 4

2 Councillors

Deputy Mayor Hickey
Councillor Gallagher

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NSW Public Libraries Association

1 Councillor

Councillor Chandler

Perilya North Mine Community Consultative Committee

1 Councillor

Deputy Mayor Hickey

Project Steering Group for the Project Consultative Group

Mayor, Deputy Mayor and 2 Councillors

Mayor Kennedy

Deputy Mayor Hickey

Councillor Byrne

Reconciliation Action Plan (RAP) Working Group

3 Councillors

Councillor Byrne

Councillor Gillett

Councillor Jewitt

Regional Capitals Australia

Mayor and Deputy Mayor

Mayor Kennedy

Deputy Mayor Hickey

Regional Cities NSW

Mayor and Deputy Mayor

Mayor Kennedy

Deputy Mayor Hickey

Silverton Wind Farm Community Consultative Committee

1 Councillor

Deputy Mayor Hickey

Tidy Towns Working Group

2 Councillors

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Councillor Gallagher
1 vacant position

Western Division Councils
2 Councillors
Deputy Mayor Hickey
Councillor Gallagher

Western NSW Mining and Resource Development Taskforce
Mayor
Mayor Kennedy

Volunteer Working Group
4 Councillors
Deputy Mayor Hickey
Councillor Jewitt
Councillor Chandler
Councillor Boland

10. That the Terms of Reference of the Project Steering Group for the Project Consultative Group be amended to include one (1) additional Councillor representative in the membership.

11. That Council approves Deputy Mayor Hickey to nominate as Chairperson of Murray Darling Association – Region 4.

CARRIED UNANIMOUSLY

21 Oct 2024 12:19pm Murray, Jessica
All processes being undertaken to advise Committees of new Councillor representatives.
New report is listed for October Council meeting to fill vacant positions.
COMPLETE

Meeting	Officer/Director	Section	Subject
Extraordinary Council 9/10/2024	Bartlett, Leisa Nankivell, Jay	Further Reports	CASUAL VACANCIES IN THE OFFICE OF COUNCILLOR WITHIN 18 MONTHS OF THE 14 SEPTEMBER 2024 LOCAL GOVERNMENT ELECTION
<u>Resolved</u>			
1. That Broken Hill City Council Report No. 140/24 dated October 3, 2024, be received.			

For Action	Division: Committee: Extraordinary Council Officer: Further Report Required: Including Further Reports	Date From: 30/06/2020 Date To: 23/10/2024 Printed: Wednesday, 23 October 2024 10:00:36 AM
Action Sheets Report		

- That pursuant to section 291(A)(1)(b) of the Local Government Act 1993, should there become casual vacancies in the office of Councillor for Broken Hill City Council within 18 months after the 14 September 2024 Broken Hill City Council Local Government election, vacancies are to be filled by using a countback of votes cast at the 14 September 2024 Broken Hill City Council Local Government election.
- That the General Manager advises the Returning Officer (of the Broken Hill City Council Local Government election held 14 September 2024) within seven (7) days, of Council's resolution on this matter.

CARRIED UNANIMOUSLY

18 Oct 2024 2:24pm Murray, Jessica
COMPLETE - All processes complete as per the resolution

Meeting	Officer/Director	Section	Subject
Extraordinary Council 9/10/2024	Bartlett, Leisa Nankivell, Jay	Further Reports	DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS

Resolved

- That Broken Hill City Council Report No. 142/24 dated October 3, 2024, be received.
- That as per the *Local Government Act 1993 Chapter 14 Division 1*, Council notes the submission of the required Disclosure Returns by Councillors and Designated Persons of Council holding that position at 30 June 2024; and that the Disclosure Returns be tabled by Council.
- That Council notes that newly elected Councillors must also complete a Disclosure by Councillors and Designated Persons Return within three (3) months of being elected as a Councillor, and that these will be tabled at the next Council Meeting after the return is lodged.
- That public access to Council's Register of Returns of Disclosures by Councillors and Designated Persons be in accordance with the provisions of the *Local Government Act 1993, Government Information (Public Access) Act 2009* and *Government Information (Public Access) Regulation 2018*; and the Disclosure Returns be published on Council's website accordingly.

CARRIED UNANIMOUSLY

21 Oct 2024 12:20pm Murray, Jessica
In progress

Meeting	Officer/Director	Section	Subject
Extraordinary Council 9/10/2024	Bartlett, Leisa	Further Reports	ADOPTION OF DRAFT REVIEWED CODE OF CONDUCT POLICY

For Action	Division: Extraordinary Council	Date From: 30/06/2020
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Nankivell, Jay

Resolved

1. That Broken Hill City Council Report No. 143/24 dated October 3, 2024, be received.
2. That pursuant to the *Local Government Act 1993 Chapter 14 Division 1*, Council adopts the draft reviewed (unamended) Code of Conduct Policy and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW for the interim period whilst the Office of Local Government consults with the industry regarding amendments to the Model Code of Conduct for Local Councils in NSW and issues a new Model Code and Model Procedures.

CARRIED UNANIMOUSLY

18 Oct 2024 2:25pm Murray, Jessica
COMPLETE - All processes complete as per the Council resolution

Meeting	Officer/Director	Section	Subject
Extraordinary Council 9/10/2024	Bartlett, Leisa Nankivell, Jay	Further Reports	DRAFT CODE OF MEETING PRACTICE POLICY FOR PUBLIC EXHIBITION

Resolved

1. That Broken Hill City Council Report No. 144/24 dated October 3, 2024, be received.
2. That Council notes the amendment to Council's Code of Meeting Practice Policy to rename the three Standing Committees to align with Council's directorates with the Committees to now be called:
 - Infrastructure and Environment Committee (formerly named the Works Committee)
 - Community Development Committee (formerly named the Health and Building Committee)
 - Finance and Governance Committee (formerly named the Policy and General Committee).
3. That pursuant to the *Local Government Act 1993 Division 1 section 360-363*, Council publicly exhibits the draft reviewed Code of Meeting Practice Policy for a period of 28 days and accepts submissions for a period of 42 days from the 1st day of public exhibition.
4. That at the conclusion of the public submissions period, a further report be prepared to Council outlining any submissions received, with a view to adopting the draft reviewed Code of Meeting Practice Policy for the interim period whilst the Office of Local Government consults with the industry regarding amendments to the Model Code of Meeting Practice for Local Councils in NSW and issues a new Model Code.

CARRIED UNANIMOUSLY

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18 Oct 2024 2:25pm Murray, Jessica
COMPLETE - All Processes complete as per the resolution

Meeting	Officer/Director	Section	Subject
Extraordinary Council 9/10/2024	Bartlett, Leisa Nankivell, Jay	Further Reports	ADOPTION OF THE REVISED COUNCILLOR SUPPORT POLICY
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 145/24 dated October 3, 2024, be received. That Council notes the minor amendments made to the draft revised Councillor Support Policy to reflect that Council issues Councillors with a pre-loaded credit card for use for out-of-pocket expenses associated with Councillor travel arrangements rather than reimbursing Councillors post travel. That Council notes that the draft revised Councillor Support Policy is consistent with the requirements of <i>Local Government Act 1993 sections 252, 253 and 254</i> and the <i>Local Government (General) Regulation 2021 clause 403</i>. That pursuant to the <i>Local Government Act 1993 Section 253 (3)</i>, Council adopts the draft revised Councillor Support Policy as a Policy of Council. 			
CARRIED UNANIMOUSLY			
18 Oct 2024 2:26pm Murray, Jessica COMPLETE - All processes complete as per the resolution			

Meeting	Officer/Director	Section	Subject
Extraordinary Council 9/10/2024	Bartlett, Leisa Nankivell, Jay	Further Reports	ADOPTION OF THE DRAFT REVISED COUNCILLOR AND STAFF INTERACTION POLICY
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 146/24 dated October 2, 2024, be received. That Council notes the minor amendments made to the draft revised Councillor and Staff Interaction Policy and also notes that the Councillor and Staff Interaction Policy is consistent with the Office of Local Government's Model Policy. That Council adopts the draft revised Councillor and Staff Interaction Policy as a Policy of Council. 			
CARRIED UNANIMOUSLY			

For Action	Division: Committee: Extraordinary Council	Date From: 30/06/2020 Date To: 23/10/2024
Action Sheets Report	Officer: Further Report Required: Including Further Reports	Printed: Wednesday, 23 October 2024 10:00:36 AM

18 Oct 2024 2:26pm Murray, Jessica
COMPLETE - All processes done as per the resolution.

Meeting	Officer/Director	Section	Subject
Extraordinary Council 9/10/2024	Bartlett, Leisa Nankivell, Jay	Further Reports	COUNCILLOR ATTENDANCE AT THE LOCAL GOVERNMENT NSW ANNUAL CONFERENCE TO BE HELD IN TAMWORTH 17-19 NOVEMBER 2024 AND CANCELLATION OF THE NOVEMBER 2024 STANDING COMMITTEE MEETINGS
<u>Resolved</u>			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 147/24 dated October 2, 2024, be received. That Councillors Boland, Chandler, Gillett and Jewitt attend the Local Government NSW Annual Conference to be held in Tamworth 17-19 November 2024. That Councillors Boland and Chandler be Council's two voting delegates at the Conference; and that Council advises Local Government NSW of its voting delegates prior to 6 November 2024. That as a number of Elected Members and the General Manager will be attending the Conference during the same week as the November Standing Committee Meetings, the Standing Committee Meetings for November be cancelled with reports presented directly to the Ordinary Council Meeting to be held 27 November 2024. 			
CARRIED UNANIMOUSLY			
18 Oct 2024 2:27pm Murray, Jessica COMPLETE - All processes done as per the resolution			

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETINGS

1. QUESTIONS ON NOTICE NO. 11/24 - DATED AUGUST 30, 2024 -
PUBLIC FORUM QUESTIONS ON NOTICE TAKEN AT THE AUGUST
COUNCIL MEETING (D24/42378)543

ORDINARY MEETING OF THE COUNCIL

August 30, 2024

ITEM 1

QUESTIONS ON NOTICE NO. 11/24

SUBJECT: PUBLIC FORUM QUESTIONS ON NOTICE TAKEN AT THE
AUGUST COUNCIL MEETING D24/42378

Summary

This report provides responses to questions raised during the Public Forum session at the Council Meeting held 28 August 2024 which were taken on notice.

Recommendation

1. That Questions On Notice No. 11/24 dated August 30, 2024, be received.

Background

Following are the responses to questions raised during the Public Forum session at the Council Meeting held 28 August 2024.

Ordinary Council Meeting held 28 August 2024	
Question:	The General Manager took a question on notice to investigate the frequency of the Street Sweepers in Patton Street to ensure the weekly cleaning of footpaths and streets.
Response:	Staff have reviewed the GPS data for the past two months on both vehicles and can confirm that they cleaned the Patton Street Shopping Village area as per the schedule provided at the August Council Meeting. These being: <ul style="list-style-type: none"> • Street Sweeper – each Tuesday between 6am-7am • Mini Street Sweeper – each Friday between 6am-7am

Attachments

There are no attachments for this report

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER



CITY COUNCIL

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